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# LAWS

OF THE

# STATE OF ILLINOIS

ENACTED BY THE

## FORTY-FOURTH GENERAL ASSEMBLY

AT THE

### REGULAR BIENNIAL SESSION

BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF SPRINGFIELD,  
ON THE FOURTH DAY OF JANUARY, A. D. 1905, AND  
ADJOURNED SINE DIE ON THE SIXTH  
DAY OF MAY, A. D. 1905

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# LAWS OF ILLINOIS.

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## ADMINISTRATION OF ESTATES.

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### INVESTMENTS BY TRUSTEES.

§ 1. Regulates the investment of trust funds. | Filed May 18, 1905.

#### *AN ACT concerning investments by trustees.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That investments of trust funds by trustees may, when not otherwise provided by the will, deed, decree, gift, grant or other instrument creating or fixing the respective trust, be in the bonds of the United States or of any of the states of the United States, or in first mortgages upon real estate in any state or in the bonds of any county, city or municipality in any state, or in the first mortgage bonds of any corporation of any state upon which no default in payment of interest shall have occurred, for a period of five years, but no trustee shall be authorized by this act to invest trust funds in any bonds in which cautious and intelligent persons do not invest their own money and any trustee may continue to hold any investment received by him under the trust or any increase thereof.

FILED May 18, 1905.

This bill having remained with the Governor for a period of ten days (Sundays excepted) after the adjournment of the General Assembly and he not having filed it with his objections thereto in the office of the Secretary of State, it becomes a law in like manner as if he had signed it.

Witness my hand this 18th day of May, A. D. 1905.

JAMES A. ROSE,  
*Secretary of State.*

## OATH OF ADMINISTRATORS AND EXECUTORS.

§ 1. Amends section 6 of act of 1872.

Approved May 11, 1905.

§ 6. Form of oath prescribed.

AN ACT to amend section 6 of an act entitled "An act in regard to the administration of estates," approved April 1, 1872, and in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 6 of an act entitled "An act in regard to the administration of estates," approved April 1, 1872, and in force July 1, 1872, be amended as follows:

§ 6. Every executor or administrator with the will annexed shall at the time of proving the will and granting letters testamentary, or of administration, take and subscribe the following oath, to-wit:

I do solemnly swear (or affirm) that this writing contains the true last will and testament of the within named A. B., deceased, so far as I know or believe: and that I will well and truly execute the same, by paying first the debts and then the legacies mentioned therein, as far as his goods and chattels will thereunto extend, and the law charge me; and that I will make a true and perfect inventory of all such goods and chattels, rights and credits as may come to my hands or knowledge belonging to the estate of the said deceased and render a fair and just account of my executorship, when thereunto required by law, to the best of my knowledge and ability; so help me God. Which said oath shall be administered by the clerk of the county court or any person qualified to administer oaths, and be attached to and form a part of the probate of said will.

APPROVED May 11, 1905.

## WHO MAY ADMINISTER ESTATE.

§ 1. Amends section 18, act of 1872.

Approved May 11, 1905.

§ 18. Who may administer.

AN ACT entitled "An act to amend section 18 of an act entitled 'An act in regard to the administration of estates'", approved April 1, 1872, in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 18 of an act entitled "An act in regard to the administration of estates," approved April 1, 1872, and in force July 1, 1872, and acts amendatory thereof, be and the same is hereby amended to read as follows:

§ 18. Administration of the estate of all persons dying intestate shall be granted to some one or more of the persons hereinafter mentioned and they are respectively entitled to preference thereto in the following order:

1st. To the surviving husband or wife, or any competent person nominated by him or her.



- 2d. To the children or any competent person nominated by them.
- 3d. To the father or any competent person nominated by him.
- 4th. To the mother or any competent person nominated by her.
- 5th. To the brothers or any competent person nominated by them.
- 6th. To the sisters or any competent person nominated by them.
- 7th. To the grandchildren or any competent person nominated by them.
- 8th. To the next of kin or any competent person nominated by them.
- 9th. To the public administrator or to any creditor who shall apply for the same.

*Provided*, that only such persons as are entitled to administer under this act shall have the right to nominate. When several are claiming and are equally entitled to administration, the court may grant letters to one or more of them, preferring relatives of the whole to those of half blood. Preference and the right to nominate under this act must be exercised within sixty days from the death of the intestate, at the expiration of which time administration shall be granted to the public administrator.

In all cases where the intestate is a non-resident, and in all cases where there is no widow, husband or next of kin entitled to a distributive share in the estate of such intestate, who at the time of the death of said decedent is a *bona fide* resident of this State, administration shall be granted to the public administrator; and in all cases where any contest shall arise between the widow, heirs at law or next of kin of the decedent in relation to the grant of letters, and it shall appear to the court that the estate of said decedent is liable to waste, loss or embezzlement, administration to collect shall be granted to the public administrator of the proper county to administer such estate until said contest is determined. No administration shall in any case be granted until satisfactory proof shall be made to the county court to whom application for that purpose is made that the person in whose estate letters of administration are requested is dead and died intestate: *Provided*, that when the heirs are residents of this State and the estate is solvent and without minor heirs and it is desired by the parties in interest to settle the estate without administration this law shall not apply: *And further, provided*, that no non-resident of this State shall be appointed or act as administrator or executor.

APPROVED May 12, 1905.

## ANIMALS AND BIRDS.

## BIRDS AS TARGETS PROHIBITED.

§1. Prohibits use of live birds as targets. | Approved April 7, 1905.  
 —Penalty.

AN ACT to prevent the shooting of live pigeons, fowl or other birds for amusement or as a test of skill in marksmanship.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* [That] any person who keeps or uses a live pigeon, fowl or other bird for the purpose of a target, or to be shot at, either for amusement or as a test of skill in marksmanship, or shoots at a bird kept or used as aforesaid, or is a party to such shooting, or leases any building, room, field or premises, or knowingly permits the use thereof, for the purpose of such shooting, shall be guilty of a misdemeanor, and, for each violation of this act, shall be liable to a penalty of not less than twenty dollars nor more than one hundred dollars, or imprisonment in the county jail not exceeding thirty days. Nothing in this act shall apply to the shooting of wild game in its wild state.

APPROVED April 7, 1905.

## CRUELTY TO ANIMALS.

§1. Amends section 1, act of 1877.

§1. Appointment of officers to enforce law.  
 Approved May 11, 1905.

AN ACT to amend section 1 of "An act to secure the enforcement of the law for prevention of cruelty to animals," approved May 25, 1877, in force July 1, 1877, as amended by act approved June 30, 1885, in force July 1, 1885.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 1 of "An act to secure the enforcement of the law for prevention of cruelty to animals," approved May 25, 1877, in force July 1, 1877, as amended by act approved June 30, 1885, in force July 1, 1885, be and the same is hereby amended to read as follows:

SECTION 1. That it is hereby made the duty of the Governor to appoint by and with the consent of the Senate, one officer for the town of Lake, Cook county, two officers for East St. Louis, St. Clair county, and one officer for the city of Peoria, Peoria county, whose term of office shall be two years respectively, or until a successor to such officer shall be appointed and qualified, and the duty of each officer so appointed shall be to cause the enforcement of the law for the prevention of cruelty to animals.

APPROVED May 11, 1905.

## DOMESTIC ANIMALS RUNNING AT LARGE.

§ 1. Amends section 3, act of 1895.

§ 3. Pound—Poundmaster, fees and duties—  
election—vacancy.

Approved May 16, 1905.

AN ACT to amend section 3 of an act entitled "*An act in relation to domestic animals running at large within the State of Illinois.*" Approved June 21, 1895. In force July 1, 1895.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 3 of an act entitled "*An act relation to domestic animals running at large within the State of Illinois,*" approved June 21, 1895, in force July 1, 1895, be amended so as to read as follows:

§ 3. POUND—POUNDMASTER—FEES—DUTIES OF POUNDMASTERS.] It shall be the duty of the commissioners of highways in townships in counties under township organization, and the commissioners of highways of road districts in counties not under township organization, as soon as this act takes effect, to select and prepare a suitable pound near the center of each township or voting district in counties under township organization, and near the center of each road district in counties not under township organization; appoint a poundmaster, and fix his fees and charges, which shall remain as fixed until the next annual election, at which time the same may be changed or amended by a majority vote of the electors present, who shall at the same time elect a poundmaster for the ensuing year. Said poundmaster shall hold his office for one year and until his successor is duly elected: *Provided however,* That in case the person so elected shall fail to act, or a vacancy occurs through resignation, removal death or any other cause whatever, the commissioners of highways shall fill such vacancy by appointing a person to act as poundmaster until the next annual election.

APPROVED May 16, 1905.

## APPROPRIATIONS.

## ADJUTANT GENERAL—OFFICE IMPROVEMENTS.

§ 1. Appropriates \$1,000 for office im-  
provements.

§ 2. How drawn.

Approved May 12, 1905.

AN ACT to provide for improvements in the Adjutant General's office.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of one thousand dollars (\$1,000), or so much thereof as may be necessary, is hereby appropriated to pay for improvements in the Adjutant General's office.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant for the sum herein specified, upon the presentation of proper vouchers, certified to by the Adjutant General and approved by the Governor, and the Treasurer shall pay the same out of the money hereby appropriated.

APPROVED May 12, 1905.

#### AGRICULTURE—STATE AND COUNTY FAIRS.

- |   |  |
|---|--|
| § 1. Appropriates for exhibit at State Fair<br>\$5,000 per annum—for each county fair<br>\$200 per annum—for items enumerated<br>\$9,120. | § 2. How drawn.<br>§ 3. Biennial report to Governor.<br>Approved May 18, 1905. |
|---|--|

AN ACT making an appropriation for the State Board of Agriculture and county and other agricultural fairs.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be, and is hereby, appropriated to the State Board of Agriculture the following sums, to-wit:

For the encouragement of an exhibit at the State fair, the sum of five thousand dollars (\$5,000) per annum for the years 1905 and 1906, and for the use of each county or other agricultural society, the sum of two hundred dollars (\$200) per annum, to be paid to the treasurer of the society, for fairs held in 1904 and 1905.

For the salary of the secretary, the sum of twenty-five hundred dollars (\$2,500) per annum, for the years 1905 and 1906.

For clerk hire the sum of thirty-two hundred dollars (\$3,200) per annum, for the years 1905 and 1906.

For receiving and shipping clerk, the sum of one thousand dollars (\$1,000) per annum for the years 1905 and 1906.

For janitor, the sum of four hundred and twenty dollars (\$420) per annum for the years 1905 and 1906.

For the expenses of collecting, compiling and publishing live stock and agricultural statistics, the sum of six hundred dollars (\$600) per annum for the years 1905 and 1906.

For the agricultural library, the sum of two hundred dollars (\$200) per annum for the years 1905 and 1906.

For office expenses, furniture, repairs, postage, expressage, etc., the sum of twelve hundred dollars (\$1,200) per annum for the years 1905 and 1906.

§ 2. That on the order of the president, countersigned by the secretary of the State Board of Agriculture, and approved by the Governor, the Auditor of Public Accounts shall draw his warrant upon the Treasurer in favor of the treasurer of the Illinois State Board of Agriculture for the sums herein appropriated: *Provided*, that each warrant on account of county or other agricultural fairs, shall show the agricultural society for whose benefit the same is drawn, and that no warrant shall be drawn in favor of any agricultural society unless the order aforesaid be accompanied by a certificate of the State Board



of Agriculture showing that such agricultural society held an agricultural fair during the preceding year in compliance with the rules and regulations as provided by said State Board of Agriculture: *Provided further*, that no warrant shall be drawn in favor of any agricultural society until the president and treasurer of such society file an affidavit with the State Board of Agriculture that no wheel of fortune or other gambling device was licensed or allowed upon their fair grounds.

§ 3. It shall be the duty of the treasurer of the State Board of Agriculture, on the order of the president, countersigned by the secretary of the State Board of Agriculture, to pay over to the treasurer of each agricultural society the sum received for its use and benefit aforesaid, and make biennial report to the Governor of all such appropriations received and disbursed by him.

APPROVED May 18, 1905.

#### AGRICULTURE—STATE FAIR BUILDINGS.

§ 1. Appropriates \$43,000 for items enumerated.

§ 2. How drawn.

Approved May 18, 1905.

AN ACT making appropriation for the State Board of Agriculture, to be used in the construction of permanent buildings and improvements, and for beautifying the State Fair Grounds at Springfield, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of fifty-three thousand dollars (\*\$53,000) or so much thereof as may be necessary, out of the treasury not otherwise appropriated, be and the same is hereby appropriated to the State Board of Agriculture for the construction of permanent buildings for the State Fair and for the improvement and beautifying of the State Fair grounds, viz.:

For a Dairy Cattle Barn, twenty-five thousand dollars (\$25,000).

For additional Horse Barns, six thousand dollars (\$6,000).

\*For an addition to the Grand Stand, ten thousand dollars (\$10,000).

To pay note given to E. A. Hall, treasurer, twelve thousand dollars (\$12,000).

§ 2. That on the order of the president, countersigned by the Secretary of the State Board of Agriculture and approved by the Governor, the Auditor of Public Accounts shall draw his warrant upon the State Treasurer in favor of the treasurer of the Illinois State Board of Agriculture for the sums herein appropriated: *Provided*, that all of said money shall be paid in installments, from time to time, as the same shall be needed to pay for the improvements authorized by this act, and on vouchers to be approved by the Governor.

APPROVED May 18, 1905.

\*I hereby certify that the foregoing act, as printed above, is a correct copy of House Bill No. 652, as enrolled and submitted to the Governor for his approval. The item marked with a star, to-wit: "For an addition to the grand stand, \$10,000," was vetoed by the Governor, by which action the total appropriation for the State Board of Agriculture, for the purposes stated in this act, is reduced from \$53,000, as printed above, to \$43,000.

JAMES A. ROSE, *Secretary of State*.

## AGRICULTURE—EXPERIMENT STATION.

- § 1. Appropriates \$50,000 per annum.
- § 2. Appropriates \$25,000 per annum.
- § 3. Appropriates \$15,000 per annum.
- § 4. Appropriates \$25,000 per annum.
- § 5. Appropriates \$15,000 per annum.

- § 6. Appropriates \$15,000 per annum.
  - § 7. Meetings and reports.
  - § 8. How drawn.
- Approved May 18, 1905.

AN ACT *to extend the equipment and increase the instruction in the College of Agriculture and to provide for the extension of the Agricultural Experiment Station and to make appropriations therefor. With the intent of equipping said college and station for instruction and investigation of the highest order along principal lines of agriculture.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be the duty of the College of Agriculture to give thorough and reliable instruction in the economic production of crops; the treatment of the different soils of the State in such manner as to secure the largest returns from each and without impairing its fertility; the principles of breeding and management of live stock, including animal diseases and a thorough knowledge of the various breeds and market classes; the economic and sanitary production of dairy goods, and the best methods of meeting existing market demands and of extending and developing trade in the agricultural productions of the State. That it shall be the further duty of said college to provide and maintain such live stock specimens, laboratories, apparatus and other material equipment, together with teachers of such experience and skill as shall make such instruction effective. That to carry out the provisions of this section, there be, and hereby is, appropriated the sum of fifty thousand dollars (\$50,000) annually for the years 1905 and 1906: *Provided*, that the disposition of the funds from time to time to carry out the intent of this act shall be along lines agreed upon by the dean of the College of Agriculture and an advisory committee consisting of the presidents of the following State agricultural organizations, to-wit: The Illinois Farmers' Institute, the Illinois Live Stock Breeders' Association, the Illinois State Horticultural Society, the Illinois Corn Growers' Association and the Illinois Dairymen's Association.

§ 2. That it shall be the duty of the Agricultural Experiment Station to conduct investigations calculated to develop the beef, pork, mutton, wool and horse producing interests of the State, and especially to devise and conduct feeding experiments intended to determine the most successful combination of stock foods, particularly in Illinois grains and forage crops, and to discover the most economical and successful methods of maintaining animals and fitting them for the markets; to investigate live stock conditions, both at home and abroad, in so far as they affect market values, and to publish the



results of such experiments and investigations. That to carry out the provisions of this section there be, and hereby is, appropriated the sum of twenty-five thousand dollars (\$25,000) annually for the years 1905 and 1906: *Provided*, that the work undertaken and outlined in this section shall be carried out on lines to be agreed upon by the directors of the Agricultural Experiment Station and an advisory committee of five to be appointed by the Illinois Live Stock Breeders' Association.

§ 3. That it shall be the duty of the Agricultural Experiment Station to conduct experiments in the several sections of the State, in order to discover the best methods of producing corn, wheat, oats and clover on the different soils and under the various climatic conditions of the State, and for the purpose of improving the varieties grown for special purposes, etc., and that, to carry out the provisions of this section, there be, and hereby is, appropriated the sum of fifteen thousand dollars (\$15,000) annually for the years 1905 and 1906: *Provided*, that the work outlined in this section shall be carried out on lines to be agreed upon by the director of the Agricultural Experiment Station and an advisory committee of five to be appointed as follows: Two by the Illinois Corn Growers' Association, two by the Illinois Seed Corn Breeders' Association and one by the Illinois Grain Dealers' Association.

§ 4. That it shall be the duty of the Agricultural Experiment Station to make chemical and physical examination of the various soils of the State, in order to identify the several types and determine their character; to make and publish an accurate survey with colored maps in order to establish the location, extent and boundaries of each; to ascertain by direct experiment in laboratory and field what crops and treatment are best suited to each; whether the present methods are tending to best results and whether to the preservation or reduction of fertility, and what rotations and treatments will be most effective in increasing and retaining the productive capacity of Illinois lands; and that, to carry out the provisions of this section, there be, and hereby is, appropriated the sum of twenty-five thousand dollars (\$25,000) annually for the years 1905 and 1906: *Provided*, that the work outlined in this section shall be carried out on lines to be agreed upon by the director of the Agricultural Experiment Station and an advisory committee of five to be appointed by the Illinois Farmers' Institute.

§ 5. That it shall be the duty of the Agricultural Experiment Station to discover and demonstrate the best methods of orchard treatment in the fruit sections of the State, and the most effective remedies for insect and fungous enemies to fruit and trees; and that, to carry out the provisions of this section, there be, and hereby is, appropriated the sum of fifteen thousand dollars (\$15,000) annually for the years 1905 and 1906: *Provided*, that the work undertaken and outlined in this section shall be carried out on lines to be agreed upon by the director of the Agricultural Experiment Station and an advisory committee of five to be appointed by the Illinois State Horticultural Society.

§ 6. That it shall be the duty of the Agricultural Experiment Station to investigate the dairy conditions of the State; to discover and demonstrate improved methods of producing and marketing wholesome milk and other dairy products, and to promote the dairy interests of the State by such field assistance in the dairy sections upon farms and in the creameries and factories as shall tend to better methods and more uniform products; and that, to carry out the provisions of this section, there be, and hereby is, appropriated the sum of fifteen thousand dollars (\$15,000) annually for the years 1905 and 1906.

§ 7. That the committees representing the several associations herein named shall meet at such times and places as may be designated by the dean of said college or the director of the Agricultural Experiment Station, or upon the request of a majority of the committee: that they shall serve without compensation except for expenses, to be paid out of the respective funds, and that said committees shall make to their respective associations, at their annual meetings, full reports of the work in progress under the provisions of this act.

§ 8. That the Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the State Treasurer for the sums herein appropriated, upon the order of the chairman of the board of trustees of the University of Illinois, countersigned by its secretary, and with the corporate seal of said university, and no installment subsequent to the first shall be paid by the Treasurer, nor warrant drawn therefor, until detailed accounts, showing expenditures of the preceding installment have been filed with the Auditor of Public Accounts: *Provided*, that no part of the funds herein appropriated, except in section 1, shall be used for salaries of teachers: *And, provided, further*, that any revenue arising from the operations of the several sections of this act shall revert to the respective funds from which obtained for further extension of the work outlined. Nothing herein contained shall be deemed to take away from the board of trustees of the University of Illinois the usual authority conferred by law over the expenditure of moneys appropriated to said university. The recommendations of the committees herein provided for shall be advisory, but the use of the moneys herein appropriated shall rest in the discretion of said board for the purpose herein set forth, and said board shall account therefor.

APPROVED May 18, 1905.

## AWARDS BY COURT OF CLAIMS.

§ 1. Appropriates \$37 to Louis H. Kruger,  
and \$37 to John R. Claussen.

§ 2. How drawn.

Approved May 18, 1905.

*AN ACT to make an appropriation for the payment of amounts awarded by the Court of Claims to certain persons named therein.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and is hereby, appropriated to Louis H. Kruger, the sum of thirty-seven and no one hundred dollars (\$37) for services as a member of Troop M, First Cavalry, Illinois National Guard, at Camp Tanner prior to his muster into the services of the United States Government in the Spanish war, awarded by the Court of Claims April 19, 1905; to John R. Claussen, the sum of thirty-seven and no one hundred dollars (\$37) for services as a member of Troop M, First Cavalry, Illinois National Guard, at Camp Tanner prior to his muster in the United States service in the Spanish war, awarded by the Court of Claims April 19, 1905.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants on the State Treasurer in favor of said persons, respectively, for the amounts herein appropriated, payable out of any money in the treasury not otherwise appropriated.

APPROVED May 18, 1905.

## BEE-KEEPERS' ASSOCIATION.

Preamble.

§ 1. Appropriates \$1,000 per annum.

§ 2. How drawn.

§ 3. Annual report to Governor.

Approved May 12, 1905.

*AN ACT making an appropriation for the Illinois State Bee-Keepers' Association.*

WHEREAS, The members of the Illinois State Bee-Keepers' Association have for years given much time and labor without compensation in the endeavor to promote the interests of the bee-keepers of the State; and,

WHEREAS, The importance of the industry to the farmers and fruit growers of the State warrants the expenditure of a reasonable sum for the holding of annual meetings, the publication of reports and papers containing practical information concerning bee-keeping; therefore, to sustain the same and enable this organization to defray the expenses of annual meetings, publishing reports, suppressing foul brood among bees in the State, and promote the industry in Illinois:

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and is hereby appropriated for the use of the Illinois State Bee-Keepers' Association the sum of 1,000 dollars per annum for the years 1905 and 1906. For the purpose of advancing the growth and developing the interests of the bee-keepers of Illinois, said sum to be expended under the direction of the Illinois State Bee-Keepers' Association for the purpose of paying the expenses of holding annual meetings, publishing the proceedings of said meetings, suppressing foul brood among bees in Illinois, etc.: *Provided, however,* that no officer or officers of the Illinois State Bee-Keepers' Association shall be entitled to receive any money compensation whatever for any services rendered for same out of this fund.

§ 2. That on the order of the president, countersigned by the secretary of the Illinois State Bee-Keepers' Association, and approved by the Governor, the Auditor of Public Accounts shall draw his warrant on the Treasurer of the State of Illinois in favor of the treasurer of the Illinois State Bee-Keepers' Association for the sum herein appropriated.

§ 3. It shall be the duty of the treasurer of the Illinois State Bee-Keepers' Association to pay out of said appropriation, on itemized and receipted vouchers, such sums as may be authorized by vote of said organization on the order of the president, countersigned by the secretary, and make annual report to the Governor of all such expenditures, as provided by law.

APPROVED May 12, 1905.

#### BOARD OF PRISON INDUSTRIES.

Preamble.

§ 1. Appropriates \$15,000 for items enumerated.

§ 2. How drawn.

Approved May 18, 1905.

#### AN ACT making an appropriation for the expenses of the Board of Prison Industries of Illinois.

WHEREAS, No appropriation having been provided by the Forty-third General Assembly for the Board of Prison Industries of Illinois to enable them to carry out the provisions of the so-called "Anti-Convict Labor Law;" and

WHEREAS, It becomes absolutely necessary for the Board of Prison Industries to maintain an office and secure competent service to assist in disposing of goods manufactured under the law; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be, and is hereby appropriated the sum of fifteen thousand dollars (\$15,000) per annum, or so much thereof as is needed to be divided as follows: For the salary of a sales manager, twenty-five hundred dollars (\$2,500) per annum; for the salary of one assistant secretary, eighteen hundred



dollars (\$1,800) per annum; for the salary of one stenographer, twelve hundred dollars (\$1,200) per annum; for traveling expenses, the sum of one thousand dollars (\$1,000) per annum; for postage, telephoning, telegraphing and other expenses connected with the office of the Board of Prison Industries of Illinois, the sum of eight thousand five hundred dollars (\$8,500), or as much thereof as is necessary: *Provided*, that no part of the amount herein appropriated shall be used for office rent in any form or manner whatever.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrants on the State Treasurer for all sums herein appropriated for the salaries of the sales manager, assistant secretary and stenographer, to be paid on monthly pay-rolls, duly certified to by the Board of Prison Industries, signed by the president and for all other appropriations specified herein, warrants on the State Treasurer shall be drawn only on itemized bills accompanied by receipted vouchers, showing the expenditures of money named in the itemized bill, except for expenditures for railroad or street car fare, and in cases of expenditures for railroad fares, the itemized bills must show from what point to what traveled and the amount paid for the same. All such itemized bills herein specified shall be approved by the Governor.

APPROVED May 18, 1905.

#### CHARITABLE INSTITUTIONS—OMNIBUS BILL.

§ 1. Appropriates sums named to institutions for purposes enumerated.	§ 2. How drawn. Approved May 18.
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AN ACT *making appropriations for the State charitable institutions herein named.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following sums be and are hereby appropriated to the State institutions named in this act, for the purposes herein stated, for the two years beginning July 1, 1905, the sum of \*\$1,323,520, and that the appropriations shall be apportioned between the institutions and shall be payable as herein stated, as follows:

#### TO THE NORTHERN HOSPITAL FOR THE INSANE, ELGIN.

Repairs and improvements, \$10,000 per annum.....	\$20,000
Painting, \$2,500 per annum.....	5,000
*Maintenance of steam plant, \$2,000 per annum.....	4,000
Improvement of grounds, \$2,000 per annum.....	4,000
*Maintenance of library, \$500 per annum.....	1,000
*Furniture.....	3,000
Farm, implements and buildings.....	2,500
Live stock.....	2,000
Five fire escapes.....	4,250
*Cold storage and ice plant.....	20,000

Stand pipe with pipe line to river.....	\$ 6,500
Paint shop .....	2,000
*Metal dry room for laundry.....	1,550
One engine and dynamo.....	4,620
*Total.....	<u>\$80,420</u>

## TO THE ILLINOIS EASTERN HOSPITAL FOR THE INSANE, KANKAKEE.

Repairs and improvements, \$25,000 per annum.....	\$50,000
Improvement of grounds, \$2,000 per annum.....	4,000
*Cement walks and curbing, \$2,000 per annum.....	4,000
*Maintenance of library, \$1,000 per annum.....	2,000
Painting, \$4,000 per annum.....	8,000
Live stock and farm implements.....	3,000
Employés quarters.....	6,000
*Engine and dynamo.....	10,000
*Furniture and iron beds, \$6,000 per annum.....	12,000
*Materials and tools for patients' workshops, \$2,000 per annum.....	4,000
*Improvement of garden, \$2,000 per annum.....	4,000
*Maintenance of fire department, \$1,000 per annum.....	2,000
*Repairs to roofs and gutters.....	2,000
*Enlarging steam pipes and covering same.....	5,000
*Total.....	<u>\$116,000</u>

## TO THE CENTRAL HOSPITAL FOR THE INSANE, JACKSONVILLE.

Repairs and improvements, \$12,000 per annum.....	\$24,000
Improvement of grounds, \$2,000 per annum.....	4,000
*Plumbing, \$2,000 per annum.....	4,000
*Library, \$500 per annum.....	1,000
Cement walks, outside grounds.....	3,000
Painting.....	6,000
*Iron beds and furniture.....	5,000
Farm, implements and live stock.....	2,500
Fencing, including iron fence north of grounds.....	4,000
Improving boilers, new boiler and stokers and electric light plant and re-wiring grounds.....	23,000
*Total.....	<u>\$76,500</u>

## TO THE SOUTHERN ILLINOIS HOSPITAL FOR THE INSANE, ANNA.

Repairs and improvements, \$10,000 per annum.....	\$20,000
*Improvement of grounds, \$2,000 per annum.....	4,000
*Library, \$500 per annum.....	1,000
Farm, machinery and stock, \$1,250 per annum.....	2,500
*New furniture, \$2,000 per annum.....	4,000

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Three fire escapes.....	\$ 2,400
Changing heating and plumbing in north wing.....	3,000
To repairing damages to employes' quarters caused by fire.....	5,000
*Total.....	<u>\$41,900</u>

## TO THE ASYLUM FOR THE INCURABLE INSANE, SOUTH BARTONVILLE.

Repairs and improvements, \$10,000 per annum.....	\$20,000
*Improvement of grounds, \$10,000 per annum.....	20,000
Painting interior walls.....	4,000
Fire protection for new buildings, including stand-pipe, hose, reels and fire escapes.....	4,500
*Furniture for officers' and employes' quarters.....	1,000
*Tile floor in ironing room.....	2,000
Telephone system.....	2,500
*For building and furnishing additional cottages complete, including dining rooms.....	280,000
*Total.....	<u>\$334,000</u>

## TO THE WESTERN HOSPITAL FOR THE INSANE, WATERTOWN.

Repairs and improvements, \$5,000 per annum.....	\$10,000
*Improvement of grounds, \$5,000 per annum.....	10,000
*Library, \$300 per annum.....	600
*Dormitory for female employes and furnishing same.....	25,000
Amusement hall for patients.....	10,000
Enlarging septic tank.....	5,000
Farm, implements and live stock.....	2,500
Roof on main building.....	2,500
*Total.....	<u>\$65,600</u>

## TO THE ASYLUM FOR INSANE CRIMINALS, MENARD.

Repairs and improvements, \$2,000 per annum.....	\$4,000
Library, \$200 per annum.....	400
Iron beds.....	500
Stone wall and terracing hill.....	3,000
*To extension of wings on present building as per architect's plans submitted, serial numbers 821, 822 and 823 complete.....	20,000
Total.....	<u>\$27,900</u>



## TO THE ASYLUM FOR FEEBLE-MINDED CHILDREN, LINCOLN.

Repairs and improvements, \$10,000 per annum.....	\$20,000
Improvement of grounds, \$2,000 per annum.....	4,000
Library and school books, \$500 per annum.....	1,000
Two ell additions (buildings), complete and furnishings....	35,000
Total.....	<u>\$60,000</u>

## TO THE SOLDIERS' AND SAILORS' HOME, QUINCY.

*Repairs and improvements, \$15,000 per annum.....	\$30,000
Improvement on grounds, \$1,000 per annum.....	2,000
Library, \$600 per annum.....	1,200
Re-constructing steam heating plant in eight cottages and two new boilers.....	6,000
New boiler, smoke stack and coal shed at hospital.....	2,500
*Ice house.....	5,000
Three new cottages.....	37,500
Free library building and nurse dormitory.....	4,000
Improvement of cemetery.....	1,000
Fire escapes for hospital.....	1,000
*Total.....	<u>\$90,200</u>

## TO SOLDIERS' ORPHANS' HOME, NORMAL.

Repairs and improvements, \$2,500 per annum.....	\$5,000
Library, \$300 per annum.....	600
Furnishing new cottages.....	2,000
Cement walks.....	500
Purchase of cemetery lots in Bloomington cemetery.....	1,200
Total.....	<u>\$9,300</u>

## TO THE SOLDIERS' WIDOWS' HOME, WILMINGTON.

Repairs and improvements, \$1,000 per annum.....	<u>\$2,000</u>
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## TO THE ILLINOIS SCHOOL FOR THE DEAF, JACKSONVILLE.

Repairs and improvements, \$12,000 per annum.....	\$24,000
*Library, \$500 per annum.....	1,000
*Fencing, \$1,000 per annum.....	2,000
Remodeling old chapel for school room.....	6,000
*Painting.....	2,000
*Renewing hospital floors and walls.....	3,000
*Coal sheds and track.....	2,000
*Total.....	<u>\$40,000</u>

## ILLINOIS INSTITUTION FOR THE EDUCATION OF THE BLIND, JACKSONVILLE

Repairs and improvements, \$3,500 per annum.....	\$7,000
Materials for printing department, \$500 per annum.....	1,000
Library and apparatus, \$400 per annum.....	800
Steel tower for water tank.....	1,200
Remodeling heating system in main building.....	8,000
Iron stairway for boys' cottage and hospital.....	500
For special training for those patients who are deaf, dumb and blind, \$1,000 per annum.....	2,000
Total.....	<u>\$20,500</u>

## TO THE ILLINOIS CHARITABLE EYE AND EAR INFIRMARY, CHICAGO.

Repairs and improvements, \$2,500 per annum.....	\$5,000
Library and amusements, \$150 per annum.....	300
Additional grounds and new fire-proof building.....	75,000
Total.....	<u>\$80,300</u>

## TO THE STATE TRAINING SCHOOL FOR GIRLS, GENEVA.

Repairs and improvements, \$3,000 per annum.....	\$6,000
Improvement of grounds, \$500 per annum.....	1,000
Library, \$200 per annum.....	400
Parole and discharge of girls, \$500 per annum.....	1,000
Farm, garden and stock, \$350 per annum.....	700
New chapel.....	15,000
Three new cottages.....	60,000
Furniture for new cottages.....	4,500
New heating plant.....	25,000
Fruit trees and small fruits, \$150 per annum.....	300
Total.....	<u>\$113,900</u>

## TO THE ST. CHARLES HOME FOR BOYS, ST. CHARLES.

Repairs and improvements, \$2,000 per annum.....	\$4,000
Three new cottages.....	75,000
Furnishing new cottages.....	3,000
*Administration building and equipment.....	35,000
Manual Training building and equipment.....	30,000
Store building.....	4,000
Mill and equipment.....	5,000
Fencing, draining roads and ground.....	5,000
Repairing dwelling houses on farm.....	4,000
*Total.....	<u>\$165,000</u>

§ 2. The monies herein appropriated shall be due and payable to the trustees of the several institutions herein named, or their order, only on the terms and in the manner now provided by law.

APPROVED May 18, 1905.

\*I hereby certify that the foregoing act, as printed above, is a correct copy of House Bill No. 588, as enrolled and submitted to the Governor for his approval. The items marked with a star, to-wit: "Ice plant, \$20,000," "Maintenance of steam plant, \$2,000 per annum—\$4,000," "Library, \$500 per annum—\$1,000," "Furniture, \$3,000," "Metal Dry Room for Laundry, \$1,550," (total) \$29,550, "the Northern Hospital for the Insane, Elgin; "Furniture, iron beds, \$6,000 per annum—\$12,000," "Materials and tools for patients' workshops, \$2,000 per annum—\$4,000," "Improvements of garden, \$2,000 per annum—\$4,000," "Maintenance of Fire Department, \$1,000 per annum—\$2,000," "Roofing, repairs to roofs and gutters, \$2,000," "Enlarging steam pipes and covering same, \$5,000," "Cement walks and curbing, \$2,000 per annum—\$4,000," "Maintenance of library, \$1,000 per annum—\$2,000," "Engine and Dynamo, \$10,000," (total) \$45,000," the Illinois Eastern Hospital for the Insane, Kankakee; "Library, \$500 per annum—\$1,000," "Plumbing, \$2,000 per annum—\$4,000," "Iron beds and furniture, \$5,000," (total) \$10,000," the Central Hospital for the Insane, Jacksonville; "Library, \$500 per annum—\$1,000," "Improvement of grounds, \$2,000 per annum—\$4,000," "New Furniture, \$2,000 per annum—\$4,000," (total) \$9,000," the Southern Hospital for the Insane, Anna; "Improvement of grounds for the year beginning July 1st, 1906, \$10,000," "For building and furnishing additional cottages complete, including dining rooms, \$280,000," "Furniture for officers' and employees' quarters, \$1,000," "Tile floor in dining room, \$2,000," (total) \$293,000," the Asylum for the Incurable Insane, South Bartonville; "Improvement of grounds for the year beginning July 1st, 1906, \$5,000," "Dormitory for female employees and finishing same, \$25,000," "Library, \$300 per annum—\$600," (total) \$30,600," the Western Hospital for the Insane, Watertown; "Repairs and improvements for the year beginning July 1st, 1906, \$15,000," "Ice house, \$5,000," (total) \$20,000," the Soldiers' and Sailors' Home, Quincy; "Library, \$500 per annum—\$1,000," "Fencing, \$1,000 per annum—\$2,000," "Painting, \$2,000," "Renewing hospital floor and walls, \$5,000," "Coal sheds and track, \$2,000," (total) \$10,000," the Illinois School for the Deaf, Jacksonville; "Administration Building and equipment, \$35,000," the St. Charles Home for Boys, St. Charles, were vetoed by the Governor, by which action the total appropriation for the Northern Hospital for the Insane is reduced from \$80,420, as printed above, to \$50,870; the Illinois Eastern Hospital for the Insane is reduced from \$116,000, as printed above, to \$71,000; the Central Hospital for the Insane is reduced from \$76,500, as printed above, to \$36,500; the Southern Hospital for the Insane is reduced from \$41,900, as printed above, to \$32,900; the Asylum for the Incurable Insane is reduced from \$334,000, as printed above, to \$41,000; the Western Hospital for the Insane is reduced from \$65,600, as printed above, to \$35,000; the Soldiers' and Sailors' Home, Quincy, is reduced from \$80,200, as printed above, to \$70,200; the Illinois School for the Deaf is reduced from \$40,000, as printed above, to \$30,000; the St. Charles Home for Boys is reduced from \$165,000, as printed above, to \$130,000, and the total appropriations for all the institutions named in the act is reduced from \$1,323,520, to \$841,370.

JAMES A. ROSE,  
Secretary of State.

#### CHARITABLE INSTITUTIONS—ORDINARY EXPENSES.

§ 1. Appropriates \$2,078,625 for the year beginning July 1, 1905.

§ 3. How drawn.

§ 2. Appropriates \$2,229,625 for the year beginning July 1, 1906.

Approved May 18, 1905.

*AN ACT making an appropriation for the ordinary and other expenses of the State charitable institutions herein named.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated for the purpose of defraying the ordinary expenses of the State institutions named in this act, for the year beginning July 1, 1905, the sum of \$2,078,625, payable quarterly in advance, and the said appropriations shall be apportioned among the institutions as follows: To the

Northern Hospital for the Insane at Elgin .....	\$185,000
Eastern Hospital for the Insane, Kankakee .....	333,500
Central Hospital for the Insane, Jacksonville.....	185,000
Southern Hospital for the Insane, Anna .....	170,000
Western Hospital for the Insane, Watertown.....	157,500

Asylum for the Incurable Insane, Bartonville.....	\$203,000
Asylum for Insane Criminals, Menard .....	37,500
Illinois School for the Deaf, Jacksonville.....	115,000
Institution for the Education of the Blind, Jacksonville...	54,000
Asylum for Feeble-Minded Children, Lincoln.....	196,000
Soldiers' and Sailors' Home, Quincy.....	195,000
Soldiers' Orphans' Home, Normal .....	62,500
Soldiers' Widows' Home, Wilmington .....	13,000
Illinois Charitable Eye and Ear Infirmary, Chicago .....	41,000
Training School for Girls, Geneva.....	45,000
St. Charles Home for Boys, St. Charles .....	50,625
Illinois Industrial Home for the Blind, Chicago.....	35,000
Total .....	\$2,078,625

§ 2. For the purpose of defraying the ordinary expenses of the State institutions named in this act for the year beginning July 1, 1906, the sum of \$2,229,625 is appropriated, payable quarterly in advance, and the said appropriation shall be apportioned among the institutions as follows, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly: To the

Northern Hospital for the Insane, Elgin .....	\$185,000
Eastern Hospital for the Insane, Kankakee.....	333,500
Central Hospital for the Insane, Jacksonville.....	185,000
Southern Hospital for the Insane, Anna.....	170,000
Western Hospital for the Insane, Watertown.....	157,500
Asylum for the Incurable Insane, Bartonville.....	293,000
Asylum for Insane Criminals, Menard .....	37,500
Illinois School for the Deaf, Jacksonville.....	115,000
Institution for the Education of the Blind, Jacksonville...	54,000
Asylum for Feeble-Minded Children, Lincoln.....	210,000
Soldiers' and Sailors' Home, Quincy.....	195,000
Soldiers' Orphans' Home, Normal .....	62,500
Soldiers' Widows' Home, Wilmington .....	18,000
Illinois Charitable Eye and Ear Infirmary, Chicago .....	41,000
State Training School for Girls, Geneva.....	60,000
St. Charles Home for Boys, St. Charles .....	77,625
Illinois Industrial Home for the Blind, Chicago.....	35,000
Total.....	\$2,229,625

§ 3. All moneys herein appropriated shall be due and payable to the trustees of the several institutions named, or to their order, only on the terms and in the manner provided in the 19th section of an act entitled, "An act to regulate the State charitable institutions and the State reform school, and to improve their organization and increase their efficiency."

APPROVED May 18, 1905.



## DAIRYMEN'S ASSOCIATION.

1. Appropriates \$1,500 per annum.

§ 2. How drawn.

Approved May 12, 1905.

AN ACT to appropriate \$1,500.00 for the Illinois Dairymen's Association.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of one thousand five hundred dollars (\$1,500) per annum for the years 1905 and 1906 be and the same is hereby appropriated to aid the Illinois Dairymen's Association in compiling, publishing and distributing its reports and other necessary expenses.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant upon the State Treasurer for the sum in this act specified, on bills of particulars certified to by the officials of said association, to the order of the president of said association, and the State Treasurer shall pay the same out of any funds in the treasury not otherwise appropriated.

APPROVED May 12, 1905.

## EXECUTIVE MANSION—REPAIRS AND FURNISHING.

§ 1. Appropriates \$12,000 for repairs and furnishings.

§ 3. Emergency.

Approved March 17, 1905.

§ 2. How drawn.

AN ACT making an appropriation for the purpose of repairing and refurnishing the Executive Mansion.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of twelve thousand dollars (\$12,000) be and the same is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purpose of repairing and refurnishing the Executive Mansion.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant for the sum herein specified upon the presentation of proper vouchers certified to and approved by the Governor, and the Treasurer shall pay the same out of the money hereby appropriated.

§ 3. WHEREAS, The repairs and refurnishings hereinabove provided for are an absolute necessity, and should be made at once, therefore an emergency exists and this act shall take effect and be in force from and after its passage.

APPROVED March 17, 1905.



## EXPOSITION—JAMESTOWN, VIRGINIA.

Preamble.

§ 1. Appropriates \$25,000.

§ 2. Commission—appointments, organization, rules, expenses, vacancies.

§ 3. Duties of commissioners.

§ 4. Disposition of property.

§ 5. How drawn.

Approved May 18, 1905.

*AN ACT to provide for the participation of the State of Illinois in the Jamestown Ter-Centennial Exposition, to be held on Hampton Roads, in the State of Virginia, during the year 1907, in commemoration of the first permanent settlement of English-speaking people in America, and for an appropriation to pay the costs and expenses of the same.*

WHEREAS, The Jamestown Ter-Centennial Exposition is to be held on the waters and shores of Hampton Road, in the State of Virginia, during the year 1907 in commemoration of the first permanent settlement of English-speaking people in America, made at Jamestown, Virginia, on the 13th day of May 1607; at which exposition it is designed to exhibit the progress and the resources of the great American nation which there had its beginning; and,

WHEREAS, The United States government will hold in conjunction with said exposition, an international naval, marine and military celebration, participated in by the navy and army of the United States, the militia of the states and representatives of the navies and armies of foreign nations; which celebration, it is recognized, will not only afford a novel form of entertainment in its spectacular features, but will, in its educational aspects, furnish an object lesson which all our citizens should be encouraged to study; and,

WHEREAS, It is peculiarly fitting that the great commonwealth of Illinois which was given to the Union by Virginia, should accept the invitation of the mother commonwealth and participate in the celebration, on her soil, of the nation's birth, in a manner befitting the importance of the event, and in keeping with the wealth and dignity of this State; and,

WHEREAS, Further, it is desirable that the State of Illinois avail of this favorable opportunity of exhibiting its extensive resources, thereby increasing its agricultural, manufacturing and industrial interests; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and is hereby, appropriated the sum of twenty-five thousand dollars for the purpose of erecting a suitable building for an Illinois headquarters at said exposition, and making an exhibit of the resources, commercial advantages, mechanical appliances, educational progress and other interests and industries of the State of Illinois at the said Jamestown Ter-Centennial exposition.

§ 2. There shall be appointed by the Governor, within twenty (20) days after this act shall go into effect, seven (7) commissioners, five (5) of whom shall be from the party casting the largest vote and two

(2) from the party casting the next largest vote at the last general election, who shall constitute and are hereby designated the Illinois State Commission at the Jamestown Ter-Centennial Exposition. Said commission shall meet at such time and place as the Governor may appoint and organize by the election of a president, a vice president and a secretary. A majority of said commission shall constitute a quorum for the transaction of business. The commission shall have the power to make rules and regulations for its own government, not in conflict with the laws of the State, or with the laws, rules and regulations governing said exposition. The members of said commission shall not be entitled to any compensation, except their actual expenses when necessarily absent from their homes on the business of said commission. Said commission is hereby empowered to fix the compensation of its secretary and to employ such agents and assistants as may be necessary. All vacancies in said commission which occur by death, resignation or otherwise, shall be filled by the Governor.

§ 3. Said commission shall have charge of the interests of this State and its citizens in the preparation and exhibition at said exposition of the manufactures, arts and natural and industrial products of the State; the objects, illustrating its history, progress, moral and material welfare, growth, enterprise and development, and all other matters tending to advance the interests, reputation and prosperity of this State at said exposition. It shall collect, obtain and disseminate throughout the State all necessary information regarding said exposition, and, in general, have and exercise full authority in relation to the participation of the State of Illinois and its citizens in the Jamestown Ter-Centennial Exposition. Said commission shall have charge of the planning and construction of the Illinois State building and furnishing and maintaining the same.

§ 4. After the Jamestown Ter-Centennial Exposition shall have been closed, said commission is hereby authorized to sell, or otherwise dispose of, the buildings and property then on the exposition grounds belonging to the State of Illinois, depositing the money received therefor in the State Treasury, and any money in the possession of said commission belonging to the State shall be paid to the State Treasurer, and the accounts of the commission fully settled within six (6) months after the close of said exposition.

§ 5. All payments hereunder shall be upon bills of particulars, certified to by the president and secretary of the commission and approved by the Governor, upon which the Auditor of Public Accounts shall draw his warrant upon the State Treasurer, from time to time, for the sums of money certified to, payable out of the appropriation hereby made.

APPROVED May 18, 1905.

## EXPOSITION—LEWIS &amp; CLARK, PORTLAND.

## Preamble.

§ 1. Appropriates \$25,000.

§ 2. Appointment and organization of commissioners.

§ 3. Duties of commissioners.

§ 4. Disposal of buildings and other property.

§ 5. How drawn.

§ 6. Emergency.

Approved March 17, 1905.

AN ACT *to provide for the participation of the State of Illinois in the Lewis & Clark Centennial and American-Pacific Exposition and Oriental Fair.*

WHEREAS, By an act of the United States Congress, approved by President Roosevelt April 13, 1904, followed by an invitation issued by Hon. John Hay, Secretary of State of the United States, there will be held during 1905, from the first day of June to the 15th day of October, in the city of Portland, in the state of Oregon, an important international exposition to be known as "The Lewis & Clark Centennial and American-Pacific Exposition and Oriental Fair," which will commemorate the one hundredth (100th) anniversary of the exploration of the Oregon country by an expedition commanded by Captains Meriweather Lewis and William Clark, and planned by President Jefferson; and,

WHEREAS, The Congress of the United States has appropriated the sum of four hundred and seventy-five thousand (475,000) dollars to be provided for the participation of the general government in the said exposition; and,

WHEREAS, It is fitting that the State of Illinois should be properly represented at said exposition; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be, and is hereby appropriated the sum of twenty-five thousand (25,000) dollars for the purpose of erecting a suitable building for the Illinois headquarters at said exposition and for the making and exhibiting of the resources, commercial advantages, educational progress and other interests and industries of the State of Illinois at the said Lewis & Clark Centennial and American-Pacific Exposition and Oriental Fair: *Provided*, that of the above amount there is hereby set aside the sum of ten thousand (10,000) dollars, or so much thereof as may be necessary for the erection of a State building and the furnishing of the same.

§ 2. There shall be appointed by the Governor within twenty (20) days after the passage of this act, seven (7) commissioners, five (5) of whom shall be from the party casting the largest vote and two (2) from the party casting the next largest vote at the last general election, who shall constitute, and are hereby designated the Illinois State Commission to the Lewis & Clark Centennial and American-Pacific Exposition and Oriental Fair. Said commission shall meet at such time and place as the Governor may appoint and organize by

the election of a president, a vice-president and a secretary. A majority of said commission shall constitute a quorum for the transaction of business. The commission shall have the power to make rules and regulations for its own government not in conflict with the laws of this State, or with the laws, rules and regulations governing said exposition. Members of said commission shall not be entitled to any compensation except their actual expenses, not exceeding the sum of five thousand (5,000) dollars when necessarily absent from their homes on the business of said commission. Said commission is hereby empowered to fix the compensation of its secretary and to employ such agents and assistants as may be necessary. All vacancies in said commission which may occur by death, resignation or otherwise, shall be filled by the Governor.

§ 3. Said commission shall have charge of the interests of this State and its citizens in the preparation and exhibition at said exposition of all matters tending to advance the interests, reputation and prosperity of this State. It shall collect, obtain and disseminate throughout the State all necessary information regarding said exposition and in general have and exercise full authority in relation to the participation of the State of Illinois and its citizens in the Lewis & Clark Centennial and American-Pacific Exposition and Oriental Fair. Said commission shall have charge of the planning and construction of the Illinois State building and furnishing and maintaining the same.

§ 4. After the Lewis & Clark Centennial and American-Pacific Exposition and Oriental Fair shall have closed, said commission is hereby authorized to sell, or otherwise dispose of, the buildings and property then on the exposition grounds at Portland, Oregon, belonging to the State of Illinois, depositing the money received therefor in the State treasury, and any money in the possession of said commission belonging to the State shall be paid to the State Treasurer, and the accounts of the commission fully settled within six (6) months after the close of said exposition.

§ 5. All payments hereunder shall be upon bill of particulars certified to by the president and secretary of the commission and approved by the Governor, upon which the Auditor of Public Accounts shall draw his warrant upon the State Treasurer from time to time for the sums of money certified to, payable out of the appropriation hereby made.

§ 6. WHEREAS, If the State of Illinois is to be represented at said exposition, an emergency exists, therefore this act shall take effect from and after its passage.

APPROVED March 17, 1905.



## FARMERS' INSTITUTES.

Preamble.

§ 1. Appropriates \$2,500 per annum for secretary salary and expenses.

§ 2. For expenses of directors \$5,000 per annum.

§ 3. For county farmers' institutes \$75 each per annum.

§ 4. Officers of county institutes to serve without pay.

§ 5. How drawn.

§ 6. Treasurer of State Institute—duties.

§ 7. How drawn.

Approved May 12, 1905.

*AN ACT making an appropriation for the Illinois Farmers' Institute and County Farmers' Institutes.*

WHEREAS, To assist and encourage practical education among farmers, and for the developing of the agricultural resources of the State, the Thirty-ninth General Assembly created an organization under the name and style of the Illinois Farmers' Institute and entrusted to it the development of greater skill in the cultivation of crops, in the breeding and care of domestic animals, in dairy husbandry, in horticulture, in farm drainage, in improvement of highways and general farm management, through and by means of general discussion of these and kindred subjects, and practical instruction for improving the condition of the farmer by affording a better knowledge of successful agriculture; therefore, to sustain the same,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and is hereby appropriated to the Illinois Farmers' Institute the following sums, to-wit: For the salary of secretary; for clerk hire, typewriter, expressage, postage, office expenses, furniture, etc., the sum of two thousand five hundred dollars (\$2,500) per annum for the fiscal years beginning July 1, 1905, and 1906.

§ 2. For the actual expenses of the members of the board of directors and officers of the Illinois Farmers' Institute in the performance of their duties as said members and officers, for the expenses of the State Institute meeting and for the incidental expenses in promoting the development of the farmers' institute work throughout the State, the sum of five thousand dollars (\$5,000) per annum for the fiscal years beginning July 1, 1905 and 1906.

§ 3. For the use of each county farmers' institute for the purpose of holding one or more county farmers' institute meetings in each county in the State, the sum of seventy-five dollars (\$75) per annum for the fiscal years beginning July 1, 1905 and 1906; said sum to be paid to the treasurer of each county farmers' institute, when such institute shall file with the secretary of the Illinois Farmers' Institute, a sworn statement which shall show that said county farmers' institute has held one or more duly advertised public sessions annually, of not less than two days each, at some easily accessible location, which shall include an itemized statement of the expense of said meeting, with receipted vouchers therefor, a copy of its printed program, and a report of the proceedings showing the title and author of the papers



read and by whom discussed, place or places of meeting, with average daily attendance, and such other information as may be called for by the Illinois Farmers' Institute and necessary to successfully assist this work.

§ 4. No officer nor officers of any county farmers' institute shall be entitled to receive any moneyed compensation whatever for any service rendered the same.

§ 5. That on the order of the president, approved by the director of the Congressional district, the secretary of the State Farmers' Institute shall draw his warrant on the treasurer of the State Farmers' Institute, in favor of the treasurer of the county farmers' institute for the sum herein appropriated: *Provided*, that each warrant on account of a county farmers' institute shall show the county institute for whose benefit the same is drawn: *Provided, further*, that the program and report of proceedings of the county farmers' institute, for which warrant is drawn, shall show that some of the following topics have been presented and discussed, viz.: Grain farming, stock feeding and breeding, dairy husbandry, orchard and small fruit culture, farmers' garden, domestic science and any subjects pertaining to farm life: *Provided, further*, that if the necessary expenses of a county farmers' institute shall not equal the sum of seventy-five dollars (\$75) as aforesaid, then said warrant shall only be drawn for the sum expended.

§ 6. It shall be the duty of the treasurer of the Illinois Farmers' Institute to pay over to the treasurer of each county farmers' institute, the said sum of seventy-five dollars (\$75) or so much thereof as may be received for its use and benefit, as aforesaid, and make annual report to the Governor, as provided by law.

§ 7. The State Auditor is hereby authorized to draw his warrant for the sums herein specified and deliver the same to the Treasurer of the Illinois Farmers' Institute upon his presenting voucher for same, signed by the president and secretary of said Illinois Farmers' Institute, and the State Treasurer shall pay the same out of any money in the State treasury not otherwise appropriated.

APPROVED May 12, 1905.

#### FIREMEN'S ASSOCIATION.

Preamble.

§ 1. Appropriates \$500 per annum.

§ 2. Appropriation not for salaries.

§ 3. Annual statement to Governor.

§ 4. How drawn.

Approved May 12, 1905.

*AN ACT to make an appropriation for the benefit, aid and maintenance of the Illinois Firemen's Association.*

WHEREAS, The Illinois Firemen's Association is an organization representing the firemen, and especially the volunteer firemen of the State, and is organized under the laws of this State, and,

WHEREAS, The aims of the Illinois Firemen's Association are the education of firemen in the fire service, and the betterment of the service in the several towns and cities in the State, for which purpose

annual meetings are held for the discussion of topics on the subject, and the hearing of suggestions that are of great value to the membership (made up of the fire departments of the State of Illinois), therefore to help sustain this organization in the holding of its annual meetings and the printing of its reports, and to otherwise promote the usefulness of this meritorious organization, the fire fighters, who voluntarily give their service in the protection of lives and homes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby, appropriated to the Illinois Firemen's Association the following sums, to-wit: For the printing and distribution of its programs, its annual report of proceedings, postage, stationery, expenses of the annual meeting, the dissemination of information pertaining to the business of the association, the sum of five hundred dollars (\$500) per annum.

§ 2. No part of the said five hundred dollars (\$500) shall be paid as salary to any officer of the Illinois Firemen's Association.

§ 3. The secretary and treasurer of the said association shall make an annual statement to the Governor on or before January 1, of each and every year of the disposition of the said appropriation.

§ 4. The State Auditor is hereby authorized to draw his warrant for the sum herein specified, and deliver the same to the president and treasurer of the Illinois Firemen's Association, upon their presenting proper voucher for the same, signed by the president and secretary of said association, and the State Treasurer shall pay out of any money in the State treasury not otherwise appropriated.

APPROVED May 12, 1905.

#### FUGITIVES FROM JUSTICE—DEFICIENCY.

§ 1. Appropriates \$3,500—how paid.

§ 2. Emergency.

Approved May 12, 1905.

*AN ACT making an appropriation to meet a deficiency in the expenses for returning fugitives from justice.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and is hereby appropriated the sum of three thousand five hundred dollars (\$3,500) or so much thereof as may be necessary to pay the expenses already incurred, or to be incurred before the first day of July, 1905, for the apprehension and delivery of fugitives from justice, to be paid on evidence required by law, certified and approved by the Governor.

§ 2. WHEREAS, An emergency exists, therefore, this act shall be in force from and after its passage and approval.

APPROVED May 12, 1905.

## GENERAL ASSEMBLY, 44TH—COMMITTEE EXPENSES.

§ 1. Appropriates \$16,000.

2. How drawn.

§ 3. Emergency.

Approved May 12, 1905.

AN ACT *making an appropriation for the payment of the committee expenses of the 44th General Assembly.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of \$16,000 or so much thereof as may be required, is hereby appropriated to pay the committee expenses of the 44th General Assembly, or either branch thereof, all expenditures to be certified and approved in the manner prescribed by joint resolution of the General Assembly, or by a separate resolution of either branch thereof.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the moneys herein appropriated, upon presentation of proper vouchers certified in the manner herein indicated, out of any moneys in the treasury not otherwise appropriated.

§ 3. WHEREAS, The appropriation above recited is necessary for the expenses incurred and to be incurred in the transaction of the business of the State and of the 44th General Assembly and is necessary for the payment of such committee expenses, therefore, an emergency exists and this act shall be in force and take effect from and after its passage.

APPROVED May 12, 1905.

## GENERAL ASSEMBLY, 44TH—EMPLOYES.

§ 1. Appropriates \$100,000.

§ 2. Emergency.

Approved Feb. 2, 1905.

AN ACT *making appropriations for the payment of employes of the 44th General Assembly.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be, and is hereby, appropriated the sum of \$100,000 or so much thereof as may be necessary, to pay the employés of the Forty-fourth General Assembly at the rate of compensation allowed by law. Said employés to be paid upon rolls certified to by the presiding officers of the respective houses, or by the Secretary of State approved by the Governor, as provided by law.

§ 2. WHEREAS, The above appropriation is necessary for the transaction of the business of the State, therefore an emergency exists and this act shall take effect from and after its passage.

APPROVED Feb. 2, 1905.

## GENERAL ASSEMBLY, 44TH—INCIDENTALS.

§ 1. Appropriates \$22,000 for incidentals and for care of the State House and grounds.

§ 2. How drawn.

§ 3. Emergency.

Approved Feb. 2, 1905.

*AN ACT to provide for the incidental expenses of the 44th General Assembly of the State of Illinois, and for the care and custody of the State House and grounds, to be incurred and now unprovided for.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the sum of \$22,000, or so much thereof as may be required, is hereby appropriated to pay the incidental expenses of the Forty-fourth General Assembly, or either branch thereof, or to be expended by the Secretary of State in the discharge of the duties imposed upon him by law, or by the direction of the General Assembly, or either branch thereof. All expenditures to be certified to by the Secretary of State and approved by the Governor.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the sums herein specified upon presentation of proper vouchers, and the State Treasurer shall pay the same out of any funds in the State treasury not otherwise appropriated.

§ 3. WHEREAS, The appropriation above recited is necessary for the expenses incurred in the transaction of the business of the State and the Forty-fourth General Assembly, therefore, an emergency exists, and this act shall take effect from and after its passage.

APPROVED Feb. 2, 1905.

## GENERAL ASSEMBLY, (45th), AND STATE OFFICERS.

§ 1. Appropriates \$1,000,000.

Approved May 18, 1905.

*AN ACT making an appropriation for the payment of the officers and members of the next General Assembly, and for salaries of the officers of the State government.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be, and is hereby appropriated the sum of one million dollars (\$1,000,000), or so much as may be necessary, to pay the officers and members of the next General Assembly, and the salaries of the officers of the State government, at such rates of compensation as are now or hereafter may be fixed by law, until the expiration of the first fiscal quarter after the adjournment of the next regular session of the next General Assembly.

APPROVED May 18, 1905.



## GEOLOGICAL SURVEY OF STATE.

§ 1. Creation of bureau—location—commissioners.	§ 9. Appropriates \$25,000—how drawn.
§ 2. Appointment of director and assistants.	§ 10. Cöoperation with the U. S. Geological Survey.
§ 3. Salary of director and employés.	§ 11. Entry on private lands authorized.
§ 4. Objects and duties of bureau.	§ 12. Appropriates \$5,000 for instruction in clay products.
§ 5. Reports—how disposed of.	§ 13. How drawn.
§ 6. Printing of reports regulated.	§ 14. Repeal.
§ 7. Director's report to Governor.	Approved May 12, 1905.
§ 8. Material collected—how disposed of.	

AN ACT to establish and create, at the University of Illinois, the bureau to be known as a State Geological Survey, defining its duties and providing for the preparation and publication of its reports and maps to illustrate the natural resources of the State, and making appropriation therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be and is hereby created and established at the University of Illinois a bureau, to be known as a State Geological Survey, which shall be under the direction of a commission, to be known as a State Geological Commission, composed of the Governor (who shall be *ex-officio* chairman of said commission), the president of the University of Illinois and one other competent person to be appointed by the Governor, who shall hold office for the term of four years and until his successor is appointed and qualified.

§ 2. The said commissioners shall serve without compensation, but shall be reimbursed for actual expenses incurred in the performance of their official duties; and said commissioners shall have general charge of such bureau, and shall appoint a director, who may, with the approval of the board, appoint such assistants and employés as may be necessary to carry out the provisions of this act.

§ 3. The director appointed under the provisions of this act, and the assistants and employés appointed by him, as hereinbefore provided, shall receive such salaries or compensation as may be determined by the Board of Commissioners.

§ 4. The said bureau shall have for its objects and duties the following: (1) A study of the geological formations of the State with special reference to its products, *i. e.*, coals, ores, clays, building stones, cement, materials suitable for use in the construction of roads, gas, mineral and artesian water and other mineral resources.

(2.) The preparation of geological and other necessary maps to illustrate the resources of the State.

(3.) The preparation of reports, with necessary illustrations and maps, which shall include both a general and detail description of the geological and mineral resources of the State.



(4.) The consideration of such other scientific and economic questions as in the judgment of the commissioners shall be deemed of value to the people.

§ 5. The regular and special reports of the said bureau shall be printed and distributed or sold, as the commissioners shall deem best for the interests of the people of the State, and as they may direct: and all moneys obtained by the sale of said reports shall be paid into the State treasury.

§ 6. The printing of said reports and of the necessary supplies of stationery, blank books and other printed matter necessary for the purposes of said bureau shall be and form a part of the State printing contract and as such be under the direction and supervision of the Board of Commissioners of State Contracts: *Provided, however,* that the cost thereof shall not exceed the sum of five thousand (5,000) dollars per annum.

§ 7. The directors shall present to the Governor an annual report showing the progress and condition of said bureau, together with such other information as the commissioners may deem necessary and useful.

§ 8. All materials collected, after having served the purposes of the bureau, shall be distributed by the director to the educational institutions of the State in such manner as the commissioners may determine to be of the greatest advantage to the educational interests of the State, or, if deemed advisable, the whole or part of such material may be placed on permanent exhibition in the State Museum of Natural History at Springfield, or in the museums of the University of Illinois.

§ 9. The sum of twenty-five thousand (25,000) dollars per annum or so much thereof as may be necessary is hereby appropriated out of any money in the State treasury, not otherwise appropriated, to provide for the payment of actual expenses incurred by the said commissions in the performance of their official duties hereunder, and for other expenses or obligations authorized by them, and for the payment of the salary of the director appointed by said commissioners, and for the payment of the salaries or other compensation of the assistants and employés that may be appointed hereunder; and the Auditor of Public Accounts is hereby authorized and instructed to draw his warrant on the treasury for the allowance of said expenses and salaries upon the presentation of proper vouchers approved by the Governor.

§ 10. The said commissioners are hereby authorized to arrange with the director or the representatives of the United States Geological Survey in regard to co-operation between the said United States Geological Survey and the said State Geological Commission in the preparation and completion of a contour topographic survey and map or maps of this State, and said commission may accept or reject the work of said United States Geological Survey.

§ 11. In order to carry out the provisions of this act it shall be lawful for any person or persons employed hereunder to enter and cross all lands within this State: *Provided*, that in so doing no damage is done to private property.

§ 12. The commission may expend in the prosecution of such co-operative work a sum equal to that which shall be expended thereon by the United States Geological Survey: *Provided*, that not more than ten thousand (10,000) dollars be expended in this work in any one year.

§ 13. That it shall be the duty of the University of Illinois to give thorough and reliable instruction in the geology of clay-working materials, their origin, classification, physical and chemical properties, and their behavior under such influences as are met with during the processes of manufacture, and to provide for this purpose such instructor, laboratories, apparatus, and all illustrative material as may be necessary to make this instruction practical; and to carry out the provision of this section there is hereby appropriated the sum of five thousand (5,000) dollars annually, and the Auditor of Public Accounts is hereby authorized to draw his warrants on the State Treasurer for the sum appropriated in this section upon order of the chairman of the Board of Trustees of the University of Illinois, countersigned by the secretary and with the corporate seal of the university.

§ 14. All previous enactments which conflict with the provisions of this act are hereby repealed.

APPROVED May 12, 1905.

#### GRANT HOME, GALENA.

Preamble.

§ 1. Appropriates \$5,000 for repairing Grant homestead.

§ 2. How drawn.

Approved April 29, 1905.

*AN ACT to appropriate \$5,000 for the Illinois Grant Home Association.*

WHEREAS, The heirs of General U. S. Grant have presented to the city of Galena the former home of General Grant, situated in the said city of Galena, with the understanding that the same shall be kept and maintained as nearly as possible as it was during the residence of the General therein, the same to be used as a public repository for the many relics and memorials of his military and civic career; said home to be in charge of a permanent committee of five (5) residents of the city of Galena; and.

WHEREAS, In order to comply with said conditions the city of Galena had incorporated under the laws of the State of Illinois, The Illinois Grant Home Association, the purpose thereof being to take charge of said property; receive contributions, donations, devices, bequests and appropriations, and to conserve and invest or expend the same for the improving, restoring and maintaining of the said prop-

erty, and to make such expenditure as it may deem wise and necessary for said purpose to the end that the said home shall be at all times free for the visitation and inspection by the public under such rules and regulations as shall be prescribed by the said association; and,

WHEREAS, Said property is in a decaying condition and much in need of repairs, and prompt action is necessary to preserve and perpetuate the same; and,

WHEREAS, Under the existing financial condition of the city of Galena it is utterly impossible for them, under the limitations of law, to raise the funds necessary to repair, restore and preserve the same; and,

WHEREAS, General Grant, after presiding over the first union meeting held in the city of Galena, went forth "the silent and unknown" to, by the force of his genius, rise step by step until, as commander of the Union Army in that momentous struggle of our country, he stood at Appomattox as a victor, and one of the most conspicuous chieftains that the world ever knew. His fame, his historic and wonderful achievements constitute a priceless heritage, justly belonging to Galena and the State of Illinois; and,

WHEREAS, The said home, which was the abiding place of General Grant during his residence in Galena, and therefore one of the great historic structures of our city, which we should guard with loving and attentive hands in order that the coming generations may be inspired to emulate his noble character as a citizen; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be and is hereby appropriated the sum of five thousand (5,000) dollars to the Illinois Grant Home Association for repairing and restoring the General Grant home in the city of Galena, the same to be expended under the direction of the said Illinois Grant Home Association.

Section 2. The Auditor of Public Accounts is hereby required to draw his warrant on the treasury of the State of Illinois for the above specified sum, mentioned in section one (1) of this act, payable to the order of the said Illinois Grant Home Association.

APPROVED April 29, 1905.

#### HISTORICAL LIBRARY—PROCURING DOCUMENTS.

§ 1. Appropriates \$5,000—How expended. | Approved May 12, 1905.

AN ACT making appropriation for procuring documents, papers and materials and publications relating to the Northwest and the State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of five thousand dollars (\$5,000) be, and the same is hereby, appropriated for the pur-

pose of procuring copies of papers, documents, materials and publications relating to the Northwest and the State of Illinois, and publishing the same, the same to be expended by the trustees of the Illinois State Historical Library, with the sanction of the Governor.

APPROVED May 12, 1905.

#### HOME-FINDING FOR CHILDREN.

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| § 1. Quarterly reports to State Board of Charities.              | § 5. Report of agents—form of report.       |
| § 2. Register kept by State Board.                               | § 6. Care and removal of children.          |
| § 3. State visiting agent—appointment—duties—pay—qualifications. | § 7. What institutions subject to this act. |
| § 4. Further duties of State agents.                             | § 8. Penalties.                             |
|  | § 9. Appropriates \$4,500 per annum.        |
|  | Approved May 13, 1905.                      |

AN ACT to provide for the visitation of children placed in family homes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* It shall be the duty of the superintendent or secretary of every association incorporated for the purpose of doing the business of caring for dependent, neglected or delinquent children, which is supported in whole or in part by funds from any public treasury, to report to the State Board of Public Charities, on the last day of the months of March, June, September and December of each year, the name, age and sex of every child placed or replaced in a family home by such association or institution, together with the name and address of the family with which such child is placed; such quarterly reports to be made on such blanks as may be prescribed by the Board of Public Charities. It shall be the duty of any circuit or county judge, county supervisor, overseer of the poor, or other public official, who shall place any child in any family home to report the same in like manner. It shall be the duty of every person, not a public official or an official of an association or institution, who receives public money from any public treasury, to assist in providing for any such child as above stated, who may place any child not his or her own offspring, in any family home, to report the same in like manner.

§ 2. RECORD OF CHILDREN PLACED IN HOMES.] The State Board of Public Charities shall cause to be kept in its office a complete record of all children reported as aforesaid. This record shall not be a public record, and it shall be unlawful for any agent of said board, or any other person, to disclose the name or address of any child so placed or of the family in which it may be placed.

§ 3. APPOINTMENT OF VISITORS ] It shall be the duty of the State Board of Charities to appoint a State agent, who shall receive a salary of one hundred (100) dollars per month, in addition to his actual and necessary traveling expenses incurred in the performance of his official duties; and not exceeding two (2) visitors, who shall receive such compensation as shall be fixed by the said board, not exceeding seventy-five (75) dollars per month in addition to their actual and



necessary traveling expenses. These visitors shall be discreet men and women, selected with a special view to their wisdom and fitness for visiting such children; and in case the Legislature shall enact a civil service law to control the appointment of State employ  s, then the visitors provided for in this act shall be subject to the provisions of such civil service law.

   4. DUTIES OF VISITORS.] It shall be the duty of the State agent to have general charge of the work of visitation, under such rules as the State Board of Public Charities may prescribe; and it shall be the duty of the visitors provided for in section three (3) to visit children placed in homes, and said visitors shall act under such rules as may be prescribed by the State Board of Public Charities. The State Board of Public Charities may, in its discretion, permit the child to be visited by an agent of the association or institution by which the child may have been placed in a home, and may accept the report of such agent: *Provided*, that such visit shall be made in accordance with the rules established by said State Board of Public Charities, and shall have been reported on the blanks provided for in this act; *And, provided, further*, that such permission shall not be given until the agents of said board shall have visited a sufficient number of the wards of such association or institution to enable the said State board to ascertain the quality of the work done by such association or institution. After a child shall have been legally adopted in accordance with the laws of the State of Illinois, then said child shall no longer be subject to the visitation provided for in this act.

   5. BLANK FORM OF REPORTS.] Visits to children made in accordance with the provisions of this act shall be reported on blanks to be furnished by the State Board of Public Charities. Such blanks shall be printed on heavy paper 3   by 8   inches, and shall read substantially as follows:

#### STATE OF ILLINOIS, BOARD OF PUBLIC CHARITIES.

##### REPORT OF VISIT TO A CHILD.

Name of child.....	Age.....
Date of visit.....	
Placed by what organization?.....	
When placed?.....	
With whom placed.....	
Postoffice.....	Residence .....
Distance and direction from nearest R. R. station.....	
Condition of the child as to health.....	
Clothing .....	Manners .....
Is the child obedient? .....	Helpful?..... Happy?.....
Kind of work done by the child.....	
What bad habits, if any? .....	
Does the child go regularly to church? .....	
Sunday school? .....	Day school?.....
Number of weeks in school the past year .....	



Name and address of school teacher.....  
 Name and address of pastor.....  
 Condition of home as to cleanliness.....  
 Order ..... Comfort .....  
 Appearance of the yard, etc.....  
 What newspaper taken .....  
 Character of books, pictures, etc.....  
 Observe relations between child and foster parents .....  
 Affectionate..... Confidential .....  
 Is the home adapted to the child?.....  
 School teacher's testimony, if any, as to clothing, character and training.....  
 .....  
 General observation as to condition and welfare.....  
 .....  
 Have you any recommendations to offer?.....  
 .....  
 What suggestions, if any, were made to the foster parents?.....  
 .....  
 .....

§ 6. CARE AND REMOVAL OF CHILDREN.] It shall be the duty of the State Board of Public Charities to furnish to the association, institution or individual that may have placed a child in a family home a copy of the report of the visit of said board, within thirty (30) days after said child shall have been visited. If the visitor shall find that the child is cruelly treated or is not receiving suitable school advantages, or that for other good reason the home is not a suitable place for the child, it shall be the duty of the said Board of Public Charities to notify forthwith the association, institution or individual that may have placed such child, furnishing them with a copy of such report. If said association, institution or individual shall not take suitable action in the case within fifteen (15) days, the said State Board of Public Charities may cause the said child to be removed from the home in which it had been placed, and may return the child to the said association, institution or individual, or to the circuit or county court in the county from which said child was originally received; and the actual and necessary expenses of such removal shall be paid by the agency that originally placed such child.

§ 7. VISITATION OF WARDS OF OTHER ASSOCIATIONS AND INSTITUTIONS.] The State Board of Public Charities shall have authority to place any association or institution embracing in its work the placing of children in family homes, on the list of institutions subject to the provisions of this act, on application of the board of trustees or directors of such association or institution. When any association or institution shall have been so placed on the list it shall be subject to the provisions of this act, and the children placed in homes by such association or institution shall be subject to the visitation of the State Board of Public Charities until further action of said State Board of Public Charities.

§ 8. PENALTY.] The agent of any association or institution, or any person who shall violate the provisions of section one (1) of this act, or any person who shall disclose the name or address of a child, or of the family in which it may be placed, in violation of section two (2) of this act, shall be guilty of a misdemeanor.

§ 9. APPROPRIATION.] There is hereby appropriated from any funds in the State treasury, not otherwise appropriated, for the use of the State Board of Public Charities, in carrying out the provisions of this act, the sum of forty-five hundred dollars (\$4,500) for the year ending June 30, 1906, and forty-five hundred dollars (\$4,500) for the year ending June 30, 1907.

APPROVED May 13, 1905.

#### HORTICULTURAL SOCIETY.

§ 1. Appropriates \$5,000 per annum.

Approved May 12, 1905.

§ 2. How drawn.

AN ACT *making an appropriation in aid of the Illinois State Horticultural Society.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and is hereby, appropriated for the use of the Illinois State Horticultural society, the sum of five thousand dollars (\$5,000) per annum, for the purpose of advancing the growth and development of the horticultural interests of the State for the years 1905 and 1906, said sum to be expended by said society for the purpose and in the manner specified in "An act to organize the Illinois State Horticultural society," approved March 24, 1874: *Provided, however,* that no portion thereof shall be paid for (or) on account of, any salary or emoluments of any officer of said society, except the secretary, who may receive not to exceed four hundred dollars (\$400) per annum: *And, provided, further,* that at least one thousand dollars (\$1,000) of said sum be expended each year in field experiments.

§ 2. The Auditor of Public Accounts is hereby authorized to draw his warrant upon the State Treasurer for the sum in this act specified on bills of particulars certified to by the officials of said society, to the order of the president of said society and the State Treasurer shall pay the same out of any fund in the treasury not otherwise appropriated.

APPROVED May 12, 1905.

## HYDROPHOBIA VICTIMS—AID AUTHORIZED.

Preamble.

§ 1. Transportation of afflicted authorized.

§ 2. Expenses of transportation a charge on county.

§ 3. Expense of treatment a charge upon State—\$2,000 appropriated.

§ 4. Annual report to Governor.

Approved May 12, 1905.

*AN ACT to provide for the treatment and care of poor persons afflicted with the disease called rabies.*

WHEREAS, The Forty-fourth General Assembly of the State of Illinois recognizes the duty of the State to provide care for such of its citizens as are, or may become afflicted with the disease of rabies or hydrophobia: therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That overseers of the poor or other officers having charge of the dispensation of public charity in the several counties of this State may hereafter send to an institution within the State of Illinois for the preventive treatment of hydrophobia, such institution to be selected by the State Board of Health, all poor persons duly certified by regular physicians to have been bitten by rabid animals or otherwise put in danger of infection with rabies.

§ 2. The transportation of such poor persons, with necessary attendant or attendants to and from said institution, shall be a charge upon the counties in which they reside. The sustenance, nursing and preventive treatment of such poor person for the time adjudged necessary shall be provided by such institution.

§ 3. The charges for the services of said institution shall be paid by the State of Illinois at a rate not exceeding one hundred dollars a patient, and there is hereby appropriated the sum of two thousand dollars, or as much thereof as may be necessary to expend for the purpose of this act.

§ 4. The said institution shall be at all times open to the inspection of the Governor and of the State Board of Health or of the accredited representative of either, and shall annually, on or before the fifteenth of January of each year make its report to the Governor.

APPROVED May 12, 1905.

ILLINOIS AND MICHIGAN CANAL STOCK.

§ 1. Appropriates \$2,235.

§ 2. How drawn.

Approved May 12, 1905.

AN ACT to make an appropriation to pay the amount due on one bond, numbered 724, of the class of State bonds known as "Illinois and Michigan Canal Stock," issued under an act to fund State scrip, approved February 22, 1847.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the sum of two thousand and two hundred and thirty-five dollars (\$2,235) be, and the same is hereby appropriated out of any funds in the State treasury not otherwise appropriated, for the purpose of paying State bond numbered 724, for one thousand dollars (\$1,000), of the class of State bonds known as "Illinois and Michigan Canal Stock," issued under an act to fund State scrip, approved Feb. 22, 1847, and six per cent interest on the same from July 1, 1847 to Feb. 15, 1868, the date when said bond was called.

§ 2. That the Auditor of Public Accounts be, and he is hereby authorized and directed to draw his warrant upon the State Treasurer for said sum of two thousand two hundred thirty-five dollars (\$2,235), payable to the legal holder of said bond upon presentation of the same to the Auditor of Public Accounts for payment and cancellation.

APPROVED May 12, 1905.

IMPROVEMENT OF ILLINOIS RIVER.

§ 1. Appropriates \$25,000.

§ 3. How drawn.

§ 2. Appropriates \$15,000.

Approved May 18, 1905.

AN ACT making an appropriation for the maintenance of navigation in and along such portions of the Illinois river as are under the jurisdiction of the canal commissioners.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That for the purpose of maintaining navigation in and along such portions of the Illinois river as are under the jurisdiction of the canal commissioners, there is hereby appropriated the sum of twenty-five thousand dollars (\$25,000), the same to be paid to the treasurer of the canal commissioners, upon his written requisition therefor.

§ 2. That for the purpose of restoring that portion of the Illinois river, near the city of La Salle, known as the steamboat channel and basin, to a navigable condition, there is hereby appropriated the sum fifteen thousand (15,000) dollars, the same to be paid to the treasurer of the canal commissioners, upon his written requisition therefor.



§ 3. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the sums herein appropriated upon the written request of the treasurer of the canal commissioners and approved by the Governor.

APPROVED May 18, 1905.

#### INTERNAL IMPROVEMENT COMMISSION.

- |   |   |
|---|---|
| § 1. Improvement commission established—<br>appointment of commissioners. | § 3. Appropriates \$7,000 for expenses. |
| § 2. Duties of commissioners.   | § 4. How drawn.                         |
|   | Approved May 16, 1905.                  |

AN ACT *to provide for the appointment of an internal improvement commission and to make an appropriation therefor.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be appointed by the Governor a commission to be known as the Internal Improvement Commission of Illinois, to be composed of three persons of high practical business qualifications, two of whom, at least, shall reside in counties contiguous to a navigable river in this State.

§ 2. The duties of this commission shall be to investigate the various problems associated with a projected deep waterway from Lake Michigan to the Gulf of Mexico and the reclamation of lands subject to overflow or inundation, the construction of practical and substantial levees, the ascertaining of the acreage of lands now subject to inundations from rivers, the increase from benefits to be derived from this proposed deep waterway and reclamation of lands subject to overflow or inundation, and such other statistics and data as will intelligently enable the next General Assembly to properly formulate and devise ways and means whereby legislative enactment may be had to carry out and put into effect the benefits to be derived by a deep waterway from Lake Michigan to the Gulf of Mexico and reclamation of lands subject to inundation in Illinois. The results of these investigations and studies, together with all obtainable data and statistics, to be embodied in a report of all its workings to the next General Assembly. Such commission shall receive no compensation for its services other than the necessary and legitimate expenses incurred by it in the discharge of its official business. The powers and expenses of this commission shall close at the expiration of two years from the time of its appointment.

§ 3. The sum of seven thousand dollars, or such part thereof as is necessary, is hereby appointed out of the State Treasury for the expenses of the said commission.

§ 4. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant for the sum herein appropriated on presentation of proper vouchers, certified by said commission and approved by the Governor, and the Treasurer shall pay the same out of the money hereby appropriated.

APPROVED May 16, 1905.



## LIVE STOCK BREEDERS' ASSOCIATION.

§ 1. Appropriates \$500 per annum.

§ 2. Appropriation not for salaries.

§ 3. How drawn.

§ 4. Annual report to Governor.

Approved May 12, 1905.

AN ACT *making an appropriation for the Illinois Live Stock Breeders' Association.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be, and hereby is, appropriated to the Illinois Live Stock Breeders' Association the following sums, to-wit: For printing and distributing reports, programs, postage, stationery, expenses of speakers, etc., the sum of five hundred dollars (\$500) per annum for the years 1905 and 1906.

§ 2. No officer or officers of the Illinois Live Stock Breeders' Association shall be entitled to receive any money compensation whatever for any service rendered for same.

§ 3. That on the order of the president, countersigned by the secretary of the Illinois Live Stock Breeders' Association and approved by the Governor, the Auditor of Public Accounts shall draw his warrant on the Treasurer of the State of Illinois in favor of the treasurer of the Illinois Live Stock Breeders' Association for the sum herein appropriated.

§ 4. It shall be the duty of the treasurer of the Illinois Live Stock Breeders' Association to pay out of said appropriation, on itemized and receipted vouchers, such sums as may be authorized by said organization, on the order of the president, countersigned by the secretary, and make annual report to the Governor of all expenditures, as provided by law.

APPROVED May 12, 1905.

## MILK PRODUCERS' INSTITUTE.

§ 1. Appropriates \$500 per annum—how drawn. | Approved May 12, 1905.

AN ACT *to make an appropriation to the State Milk Producers' Institute.*  
*An act to appropriate \$1,000 for the Milk Producers' Institute of Illinois.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of \$500 per annum for the years 1905 and 1906 is hereby appropriated out of any moneys in the State treasury, not otherwise appropriated, for the use and benefit of said association, and the State Auditor is hereby authorized to draw his warrant for same and deliver to the treasurer of the Illinois State Milk Producers' Institute upon his presenting proper receipt therefor certified by the president and secretary of said association; said amount to be used for the purpose of holding the annual convention and institute of said association and for the pur-

pose of educating and instructing those interested in the economic and sanitary production of milk, and for such other purposes as in the judgment of the officers shall best subserve the interests of the Illinois State Milk Producers' Institute.

APPROVED May 12, 1905.

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MONUMENTS—CAMPBELL'S ISLAND, ROCK ISLAND COUNTY.

§ 1. Appropriates \$5,000.

Approved May 18, 1905.

§ 2. How drawn.

AN ACT to provide for the erection of a monument on Campbell's Island, Rock Island county, Illinois, and making an appropriation therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and there is hereby appropriated out of the funds in the State Treasury not otherwise appropriated, the sum of five thousand dollars (\$5,000) for the purpose of defraying the expenses of erecting on Campbell's Island, Rock Island county, Illinois, a suitable monument to the memory of the sixteen volunteer soldiers who were killed in an all day's engagement with the Indians on July 19, 1814, at the battle of Campbell's Island.

§ 2. Moline Chapter of the National Society of the Daughters of the American Revolution shall have the charge and direction of the erection of such monument, and the Auditor of Public Accounts is hereby authorized to draw his warrant upon the State Treasurer for the aforesaid sum of five thousand dollars (\$5,000) upon the order of said chapter, signed by its regent and attested by its secretary, and said order approved by the Governor.

APPROVED May 18, 1905.

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MONUMENTS—HARDING, LASALLE COUNTY.

Preamble.

§ 2. How drawn.

§ 1. Appropriates \$5,000.

Approved May 18, 1905.

AN ACT to make an appropriation for the erection and maintenance of a suitable monument near the village of Harding, in the county of LaSalle and State of Illinois, to the memory of the sixteen men, women and children who were there massacred by the hostile Indians under the Chief Blackhawk, on the 21st day of May, A. D. 1832.

WHEREAS, On May 21, 1832, sixteen white men, women and children were massacred by the hostile Indians on the north bank of Indian Creek, near the village of Harding, in the county of LaSalle and State of Illinois; and,

WHEREAS, The county of LaSalle has recently purchased about three and one-half acres of land upon the site of said massacre, and

donated the same to the public to be used as a park in commemoration of the said massacre, and of the history of the pioneers who first settled in that portion of the State of Illinois; and,

WHEREAS, The history of the said massacre is a matter of history of importance to the people of the State of Illinois, and is worthy of commemoration; and,

WHEREAS, For the purpose of erecting a suitable monument and otherwise beautifying the said park, it will be necessary to raise more money than could be secured by private subscription; and,

WHEREAS, Said LaSalle County Memorial Association has been organized under and by virtue of the laws of the State of Illinois; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be, and is hereby appropriated out of any funds in the State treasury not otherwise appropriated, the sum of five thousand dollars (\$5,000) for the purpose of assisting in defraying the expenses of erecting near the village of Harding, LaSalle county, Illinois, upon a park site provided by the county of LaSalle, a suitable monument to the memory of the sixteen white men, women and children who were massacred there on May 21, 1832, by the Indians, and for assisting in defraying the expenses of beautifying said park site.

§ 2. That the LaSalle County Memorial Association of the said La Salle county, having been duly organized as a corporation under and by virtue of the laws of the State of Illinois, shall have the charge and direction of the erection of such monument and the expenditure of said appropriation; and the Auditor of Public Accounts is hereby authorized to draw his warrants upon the State Treasurer for the aforesaid sum of five thousand dollars (\$5,000) upon the order of the said LaSalle County Memorial Association as a corporation, signed by its president and attested by its secretary, and said order approved by the Governor.

APPROVED May 18, 1905.

#### MONUMENTS—JOHN J. HARDIN, JACKSONVILLE.

§ 1. Appropriates \$600.

§ 3. How drawn.

§ 2. Commissioners to administer act.

Approved May 12, 1905.

AN ACT to repair the monument of General John J. Hardin, at Jacksonville, Illinois, and appropriating money therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be, and hereby is, appropriated the sum of six hundred dollars (\$600), or as much thereof as is necessary, to properly repair the monument, gravestone and coping on the burial lot of General John J. Hardin in the East Cemetery at Jacksonville.

Section 2. That for the purposes of carrying out the purposes of this act, the Governor shall appoint three commissioners, to whom no compensation for services or expenses shall be paid, and said commissioners shall make full report to the Governor of their acts and doings hereunder.

Section 3. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants on the Treasurer, on the presentation of proper vouchers certified by said commissioners and approved by the Governor, for the payment of said repairs to the extent of said appropriation hereby made, when said repairs are completed.

APPROVED May 12, 1905.

#### MONUMENTS—VICKSBURG BATTLE GROUND.

§ 1. Re-appropriates unexpended balance of \$150,000.

§ 2. Appropriates \$100,000 additional.

§ 3. Dedication of work—publication of report.

§ 4. How drawn.

Approved May 18, 1905.

*AN ACT to provide for the re-appropriation of the unexpended balance of funds appropriated in and by an act entitled, "An Act to provide for the erection of monuments and markers to commemorate the services and mark the positions of Illinois Volunteers in the campaign and siege of Vicksburg, Mississippi, and making appropriation therefor," approved May 14, 1903, in force July 1, 1903; and also to make additional appropriation for the completion of said monuments and markers mentioned in said act, and for the dedication thereof, and for the compilation and publication of a report thereof and of the acts and doings of the commission thereby created.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly: That, for the purpose of carrying out the provisions of an act entitled, "An act to provide for the erection of monuments and markers to commemorate the services and mark the positions of Illinois Volunteers in the campaign and siege of Vicksburg, Mississippi, and making appropriation therefor," approved May 14, 1903, in force July 1, 1903, so much of the said sum of one hundred and fifty thousand (150,000) dollars appropriated in and by said act, for the purposes in said act specified, as shall not be expended on or before the thirtieth day of September, A. D. 1905, is hereby re-appropriated from the State treasury of Illinois, for the purposes specified in said act, the same to be expended and paid out in accordance with the provisions of said act.*

Section 2. For the purpose of providing sufficient funds for the payment of the total expenditures contemplated in and by said act, approved May 14, 1903, in force July 1, 1903, mentioned in the first section of this act, there is now hereby appropriated the further sum of one hundred thousand (100,000) dollars, to be expended by and under the direction of the Illinois-Vicksburg Military Park Commis-



sion, created by said act, for the purposes in said act specified, out of moneys in the State treasury not otherwise appropriated, the same to be paid out in the manner specified in said act above mentioned.

Section 3. The Illinois-Vicksburg Military Park Commission is hereby authorized, when the work contemplated by the act approved May 14, 1903, in force July 1, 1903, is completed, to make an appropriate dedication of said State monument or memorial and such other monuments and markers, and for the compilation and publication of a report thereof and of the acts and doings of said commission in such behalf, and for such purpose there is hereby appropriated the sum of ten thousand dollars out of any moneys in the State treasury not otherwise appropriated.

Section 4. The Auditor of Public Accounts is hereby authorized and directed to issue his warrant on the State Treasurer for said sum of ten thousand dollars upon the certificate of said commission, signed by its president and secretary and approved by the Governor.

APPROVED May 18, 1905.

NATIONAL GUARD—ORDINARY AND CONTINGENT EXPENSES.

§ 1. Appropriates for items enumerated \$276,—  
050 for 1905 and \$266,050 for 1906—for  
emergency fund \$50,000.

§ 2. How drawn.

Approved May 18, 1905.

AN ACT to provide for the ordinary and contingent expenses of the Illinois National Guard and Illinois Naval Reserve.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That three hundred twenty-five thousand, four hundred forty dollars, (\*\$325,440), per annum, or so much thereof as may be necessary, is hereby appropriated to pay the ordinary and contingent expenses of the Illinois National Guard and Illinois Naval Reserve.

Transportation, subsistence, camp pay, officers and men under orders.....	\$118,700.00
*Horse hire and forage.....	10,000.00
Medical supplies, fuel for camp, coal for steaming Dorothea, tugs, naval supplies, ship's chandlery, general expenses, engine room repairs, and supplies.....	7,350.00
Inspection of companies at home stations, boards of examination, survey, and court martial.....	5,000.00
*Lighting camp, laundering bed-sacks and blankets, telephones, general repairs and incidentals.....	3,990.00
*Target practice, ammunition, transportation, repairs and general expense on rifle ranges.....	30,000.00
*Civilian employes.....	10,000.00
Horses for drills.....	5,000.00
Armory rents, water, light, fuel, janitor service, and incidental expenses necessary to maintenance of armories.....	130,000.00
*Miscellaneous expenditures during the year.....	5,400.00
*Total .....	\$325,440.00



That the further sum of fifty thousand dollars (\$50,000) is hereby appropriated as an emergency fund to be used by the Governor in cases of emergency when the Illinois National Guard or Illinois Naval Reserve are called into active duty by the Governor to protect the life and property of the citizens of the State. No portion of said sum to be expended or paid except upon the express order of the Governor.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant for the sum herein specified, upon the presentation of proper vouchers, certified to by the Adjutant General and approved by the Governor, and the Treasurer shall pay the same out of the money hereby appropriated.

APPROVED May 18, 1905.

\* I hereby certify that the foregoing act, as printed above, is a correct copy of House Bill No. 603, as enrolled and submitted to the Governor for his approval. The items marked with a star, to-wit: "Horse hire and forage, beginning July 1st, 1906, \$10,000; target practice, ammunition, transportation, repairs and general expenses on rifle ranges, per annum \$90,000—\$60,000; civilian employes, per annum \$10,000.00—\$20,000.00; lighting camp, laundry, bed-sacks, blanks, telephones, general repairs and incidentals, per annum \$3,990—\$7,980; miscellaneous expenditures, per annum \$5,400—\$10,800; (total) \$108,780." were vetoed by the Governor, and the remaining items approved, by which action the total appropriation for the ordinary and contingent expenses of the Illinois National Guard and the Illinois Naval Reserve is reduced from \$325,440 as printed above to \$276,050 for the year 1905, and from \$325,440 as printed above to \$266,050 for the year 1906.

JAMES A. ROSE,  
Secretary of State.

#### NATIONAL GUARD—UNIFORMS AND BLANKETS.

§ 1. Appropriates \$54,250 for uniforms and blankets.

§ 2. How drawn.

Approved May, 18, 1905.

AN ACT to provide for the purchase of uniforms and ponchos, and for repairs, cleaning, etc., for the Illinois National Guard and Illinois Naval Reserve.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of twenty-two thousand, one hundred twenty-five dollars (\$22,125), or so much thereof as may be necessary, is hereby appropriated to pay for the manufacture and purchase of twenty-five hundred (2,500) kahki uniforms, eleven thousand, eight hundred seventy-five dollars (\$11,875); ponchos, fifteen hundred dollars (\$1,500); and repairs and cleaning of uniforms, etc., eight thousand, seven hundred fifty dollars (\$8,750), for the Illinois National Guard and the Illinois Naval Reserve.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant for the sum herein specified, upon the presentation of proper vouchers, certified to by the Adjutant General and approved by the Governor, and the Treasurer shall pay the same out of the money hereby appropriated.

APPROVED May 18, 1905.

## PENAL AND REFORMATORY—SOUTHERN PENITENTIARY.

§ 1. Appropriates \$227,500 for year ending June 30, 1906 and \$215,000 for year ending June 30, 1907—and \$16,250 for items enumerated.

§ 2. How drawn.

Approved May 18, 1905.

AN ACT making an appropriation for the Southern Illinois Penitentiary and to enable the commissioners thereof to keep the convicts in said penitentiary employed.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following amounts, or so much thereof as may be necessary, be and the same are hereby appropriated to the Southern Illinois Penitentiary, for the purposes hereinafter named and no other:

For ordinary expenses for the year ending June 30, 1906...	\$227,500
For ordinary expenses for the year ending June 30, 1907...	215,000
And to enable the commissioners to keep employed, in accordance with the law, the convicts of said penitentiary, and the commissioners are hereby authorized to expend so much of the amounts hereby appropriated as may be necessary to keep employed, as nearly as may be, all prisoners who are now, or may hereafter become idle, but in accordance with law: <i>Provided, however,</i> that no part of the amounts herein appropriated shall be used in the aid, support or maintenance in any form or manner whatever of the Board of Prison Industries of the State of Illinois, or of any officer or employé of such board.	
For maintaining library and furnishing chapel, \$250 per an'm	\$ 500
For enforcing the parole law, \$2,500 per annum.....	5,000
For contingent expenses, \$5,000 per annum.....	10,000
For the purchase of milch cows.....	750

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants on the State Treasurer for the amounts herein appropriated quarterly in advance, in so far as it relates to the appropriations for ordinary expenses, upon the order of the board of commissioners of said penitentiary, signed by the president and attested by the secretary, with the seal of the institution and the approval of the Governor thereto attached: *Provided,* that no part of such sums shall be due and payable to said institution until a detailed statement of receipts from all sources, together with a detailed statement of the expenditures, accompanied by the original vouchers, is filed with the Auditor of Public Accounts for all previous expenditures incurred, and such detailed statement of receipts and expenditures shall show the balance on hand at the beginning of the period for which such statement is made, the total amount received and expended, and the balance on hand at the close of the quarter for which the same is made; and the Auditor of Public Accounts is hereby authorized and directed to draw his warrants on the State Treasurer for the sums herein appropriated for special purposes upon the order of the board of commissioners when accompanied by itemized bills of

particular[s], signed by the president and attested by the secretary, with the seal of the institution and the approval of the Governor thereto attached, certifying that the expenditures mentioned in said bill of particulars has been made and that the amount is due and payable.

APPROVED May 18, 1905.

#### PENAL AND REFORMATORY—STATE PENITENTIARY.

§ 1. Appropriates for ordinary expenses \$240,000 per annum—for items enumerated \$107,000 per annum.	§ 2. How drawn. Approved May 18, 1905.
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AN ACT to make appropriation for ordinary and other expenses of the Illinois Penitentiary at Joliet.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following amounts, or so much thereof as may be necessary, be, and the same are hereby appropriated to the Illinois State Penitentiary at Joliet, for the purposes hereinafter named and no other:

For ordinary expenses for the year ending June 30, 1906....	\$240,000
For ordinary expenses for the year ending June 30, 1907....	240,000
For meeting the expenses of maintaining and operating the parole system, the sum of \$7,000 per annum.....	14,000
For the purpose of carrying on manufacturing, and for the purchase of material as provided for by the anti-convict labor act, no part of which shall be used in the aid, support or maintenance in any manner whatever of the Board of Prison Industries of the State of Illinois, the sum of \$100,000 per annum .....	200,000

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants on the State Treasurer for the amounts herein appropriated, quarterly in advance, in so far as it relates to the appropriations for ordinary expenses, upon the order of the board of commissioners of said penitentiary, signed by the president and attested by the secretary, with the seal of the institution and the approval of the Governor thereto attached: *Provided*, that no part of such sums shall be due and payable to said institution until a detailed statement of receipts from all sources, together with a detailed statement of the expenditures, accompanied by the original vouchers, is filed with the Auditor of Public Accounts for all previous expenditures incurred, and such detailed statement of receipts and expenditures shall show the balance on hand at the beginning of the period for which such statement is made, the total amounts received and expended, and the balance on hand at the close of the quarter for which the same is made; and the Auditor of Public Accounts is hereby authorized and directed to draw his warrants on the State Treasurer for the sums herein appropriated for special purposes upon

the order of the board of commissioners when accompanied by itemized bills of particular[s], signed by the president and attested by the secretary, with the seal of the institution and the approval of the Governor thereto attached, certifying that the expenditures mentioned in said bill of particulars have been made and that the amount is due and payable.

APPROVED May 18, 1905.

PENAL AND REFORMATORY—STATE REFORMATORY.

§ 1. Appropriates for year ending June 30, 1906, \$245,000; for year ending June 30, 1907, \$180,000—for items enumerated, \$112,400.	§ 2. How drawn. Approved May 18, 1905.
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AN ACT to make appropriations for ordinary and other expenses of the Illinois State Reformatory at Pontiac.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following amounts, or so much thereof as may be necessary, be, and the same are hereby appropriated to the Illinois State Reformatory, at Pontiac, for the purposes hereinafter named and no other:

For ordinary expenses for the year ending June 30, 1906...	\$245,000
For ordinary expenses for the year ending June 30, 1907...	180,000
For meeting the expenses of maintaining and operating the parole system, the sum of \$15,000 per annum .....	30,000
For repairs on roofs of buildings, renewing and rebuilding steam and water pipes, engines and machinery and to make such other repairs as may be required to keep said reformatory placed in ordinary repair, the sum of.....	10,000
For maintenance of electric light plant, telephone, telegraph and fire alarm system, the sum of \$2,000 per annum.....	4,000
For the purchase and installation, complete, of three new steel 450 horse power boilers, the sum of.....	20,000
For the purchase of two new dynamos, the sum of.....	2,000
For materials for trade schools instruction, the sum of \$5,000 per annum.....	10,000
For establishment and maintenance of manual training school, the sum of.....	10,000
For school books for inmates, the sum of \$600 per annum..	1,200
For school seats, maps, desks and charts, the sum of \$600 per annum.....	1,200
For extension and equipment of library, the sum of.....	1,500
For teams, cows and additional farm machinery, the sum of	2,000
For apparatus with which to fit up a dental room in hospital, the sum of.....	500



For the purpose of carrying on manufacturing and for the purchase of materials as provided for by the anti-convict labor act, no part of which shall be used in the aid, support or maintenance in any manner whatever of the Board of Prison Industries of the State of Illinois, the sum of. . . \$20,000

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants on the State Treasurer for the amounts herein appropriated, quarterly in advance, in so far as it relates to the appropriations for ordinary expenses, upon the order of the board of managers of said reformatory, signed by the president and attested by the secretary with the seal of the institution and the approval of the Governor thereto attached: *Provided*, that no part of such sums shall be due and payable to said institution until a detailed statement of receipts from all sources, together with a detailed statement of the expenditures accompanied by the original vouchers is filed with the Auditor of Public Accounts for all previous expenditures incurred and such detailed statement of receipts and expenditures shall show the balance on hand at the beginning of the period for which such statement is made, the total amounts received and expended, and the balance on hand at the close of the quarter for which the same is made; and the Auditor of Public Accounts is hereby authorized and directed to draw his warrants on the State Treasurer for the sum hereby appropriated for special purposes upon the order of the board of managers, when accompanied by itemized bills of particulars, signed by the president and attested by the secretary, with the seal of the institution and approval of the Governor thereto attached, certifying that the expenditures mentioned in said bills of particulars has been made and that the amount is due and payable.

APPROVED May 18, 1905.

#### POULTRY ASSOCIATION.

§ 1. Appropriates \$1,000 per annum.

§ 2. No appropriation for salaries.

§ 3. How drawn.

§ 4. Annual report to Governor.

Approved May 12, 1905.

AN ACT making an appropriation for the Illinois State Poultry Association.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the sum of one thousand dollars (\$1,000) per annum for the years 1905 and 1906 be, and is hereby appropriated out of any money in the State treasury not otherwise appropriated, for the use and benefit of the Illinois State Poultry Association; said amount to be used for the purpose of promoting the poultry interests in Illinois, of holding annual exhibitions of all standard breeds of poultry in this State, of paying premiums awarded



at such exhibitions, of providing any necessary equipments for such exhibitions as the association may deem necessary, of defraying the expenses of the annual meetings, and for such other purposes as in the judgment of said association will advance the poultry interests in the State of Illinois.

§ 2. No officer or officers of the Illinois State Poultry Association shall be entitled to or receive any money compensation whatever for any service rendered for the same.

§ 3. The Auditor of Public Accounts is hereby authorized to draw his warrant for the same and deliver it to the treasurer of the Illinois State Poultry Association, upon his presenting proper itemized voucher therefor, certified to by the president and secretary of said association under seal of such corporation.

§ 4. It shall be the duty of the treasurer of the Illinois State Poultry Association to pay out of said appropriation on itemized and receipted vouchers, such sums as may be authorized by vote of said organization on the order of the president, countersigned by the secretary, and make annual report to the Governor of all expenditures, as provided by law.

APPROVED May 12, 1905.

#### PRINTING AND BINDING—DEFICIENCY.

§ 1. Printing deficiency \$21,000.

§ 2. Binding deficiency \$7,000.

§ 3. How drawn.

§ 4. Emergency.

Approved February 2, 1905

*AN ACT making appropriations for a deficiency in the appropriations for the payment of printing and binding for the State.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of \$21,000 be and is hereby appropriated to meet the deficiency in the appropriation for the public printing of the State.

§ 2. That the sum of \$7,000 be and is hereby appropriated to meet the deficiency in the appropriation for the public binding of the State.

§ 3. The Auditor of Public Accounts is hereby authorized to draw his warrants for above amounts on the State Treasurer on vouchers certified to by the Board of Commissioners of State Contracts.

§ 4. WHEREAS, An emergency exists, and it is essential that said appropriation shall become available at once; therefore, this act shall take effect and be in force from and after its passage.

APPROVED February 2, 1905.

## PRINTING PAPER AND STATIONERY—DEFICIENCY.

§ 1. Paper and stationery deficiency \$13,000.

§ 3. Emergency.

§ 2. How drawn.

Approved February 8, 1905.

AN ACT *making an appropriation to meet the deficiency in the money appropriated to pay for printing paper and stationery under contract by the State of Illinois.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That to supply a deficiency in the appropriation for the purchase of printing paper and stationery that there be, and is hereby, appropriated to the Board of Commissioners of State Contracts the sum of \$13,000. or so much thereof as may be necessary.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the sums herein specified upon presentation of vouchers certified to by the Board of Commissioners of State Contracts and approved by the Governor, and the State Treasurer shall pay the same out of any funds in the State treasury not otherwise appropriated.

§ 3. WHEREAS, The appropriation above recited is necessary for the transaction of the business of the State; therefore, an emergency exists, and this act shall be in force and take effect from and after its passage.

APPROVED February 8, 1905.

## RELIEF—ATKINSON, ZERILDA A.

Preamble.

§ 2. How drawn.

§ 1. Appropriates \$2,500.

Approved May 12, 1905.

AN ACT *to make an appropriation for Zerilda A. Atkinson, widow of William Atkinson, deceased.*

WHEREAS, William Atkinson, late of the county of Jackson, being the State Mine Inspector for the 7th District, met his death at Zeigler, in Franklin county, on the 3d day of April, 1905, while in the discharge of his duty, and in an heroic effort to rescue a large number of coal miners entombed in what is known as "Leiter mine;" and,

WHEREAS, The said William Atkinson left as his widow the said Zerilda A. Atkinson and a large family of children: therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of two thousand, five hundred dollars be, and the same is hereby appropriated, out of any money in the State treasury not otherwise appropriated, to Zerilda A. Atkinson, widow of William Atkinson.

§ 2. The Auditor of Public Accounts is hereby directed and authorized to draw his warrant on the State Treasurer for said amount

in favor of Zerilda A. Atkinson, and the State Treasurer is hereby authorized to honor said warrant and pay the proceeds of the same to the said Zerilda A. Atkinson.

APPROVED May 12, 1905.

SCHOOLS AND UNIVERSITIES—NORMAL SCHOOLS, ORDINARY.

§ 1. Appropriates \$253,986.44 for the year beginning July 1, 1905.	§ 3. Appropriates interest on the college and seminary fund.
§ 2. Appropriates \$253,986.44 for the year beginning July 1, 1906.	§ 4. How drawn.
	Approved May 18, 1905.

AN ACT making appropriations for the ordinary expenses of State educational institutions herein named.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and is hereby, appropriated for the purpose of defraying the ordinary expenses of the State institutions named in this act, for the year beginning July 1, 1905, the sum of \$253,986.44 payable quarterly in advance and that the said appropriations shall be apportioned between the said institutions as follows:

To the Northern Illinois State Normal School, DeKalb..	\$57,000 00
To the Eastern Illinois State Normal School, Charleston.	55,000 00
To the Illinois State Normal University, Normal.....	54,806 44
To the Western Illinois State Normal School, Macomb...	40,180 00
To the Southern Illinois Normal University, Carbondale..	47,000 00

Total .....\$253,986 44

§ 2. For the purpose of defraying the ordinary expenses of the said State institutions for the year beginning July 1, 1906, the sum of \$253,986.44 is appropriated, payable quarterly in advance, and that the said appropriation shall be apportioned between the said institutions and at the same rate thereafter until the expiration of the first fiscal quarter after the adjournment of the next General Assembly, as follows:

To the Northern Illinois State Normal School, DeKalb..	\$57,000 00
To the Eastern Illinois State Normal School, Charleston.	55,000 00
To the Illinois State Normal University, Normal.....	54,806 44
To the Western Illinois State Normal School, Macomb...	40,180 00
To the Southern Illinois Normal University, Carbondale..	47,000 00

Total .....\$253,986 44

§ 3. That there be, and is hereby, further appropriated to the Illinois State Normal University, at Normal, and to the Southern Illinois Normal University, at Carbondale, for additional ordinary expenses, to each one-half of the interest on the college and seminary fund.

§ 4. The Auditor of Public Accounts is hereby authorized and required to draw his warrant upon the State Treasurer for said sum so appropriated for ordinary expenses, quarterly, upon the order of the

trustees of said institutions, respectively, signed by the president and attested by the secretary, with the corporate seal attached: *Provided*, that no part of said sum shall be due and payable to any of said institutions, respectively, until a detailed statement of receipts from all sources together with a detailed statement of the expenditures, accompanied by the original vouchers, is filed with the Auditor of Public Accounts for all previous expenditures incurred, and said detailed statement of receipts and expenditures shall show the balance on hand at the beginning of the period for which said statement is made, the total amount received and expended, and the balance on hand at the close of the quarter for which the same is made.

APPROVED May 18, 1905.

SCHOOLS AND UNIVERSITIES—NORMAL SCHOOLS, SPECIAL.

§ 1. Appropriates for items enumerated,  
\$91,150.

§ 2. How drawn.

Approved May 18, 1905.

AN ACT *making appropriations for the State educational institutions herein named.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following sums be and are hereby appropriated to the State institutions named in this act, for the purposes herein stated, for the two years beginning July 1, 1905, the aggregate amount of which is \*\$266,150, and that the said sum so appropriated shall be apportioned between the said institutions as follows:‡

TO THE NORTHERN ILLINOIS STATE NORMAL SCHOOL, DEKALB.

For painting building.....	\$1,000 00
For cement sidewalks.....	800 00
For completion of pavement.....	2,100 00
For plant house and school garden.....	5,500 00
For equipment of domestic science department.....	1,000 00
For further equipment of manual training room.....	1,000 00
For rebuilding grand stand destroyed by fire.....	1,000 00
For repairs on stay wall.....	500 00
For completion of south entrance.....	1,000 00
For tree planting.....	1,000 00
For equipment of laboratories and domestic science rooms with gas.....	1,000 00
For completion of grading of the entire ground.....	8,000 00
For completion of gymnasium.....	1,000 00
Total .....	\$24,900 00



## TO THE EASTERN ILLINOIS STATE NORMAL SCHOOL, CHARLESTON.

For improving grounds, \$3,000 per annum.....	\$ 6,000 00
For library, \$3,000 per annum.....	6,000 00
For laboratory.....	4,000 00
*For building and furnishing gymnasium and woman's building (one building).....	100,000 00
For summer school, \$2,000 per annum.....	4,000 00
<b>*Total.....</b>	<b>\$120,000 00</b>

## TO THE ILLINOIS STATE NORMAL UNIVERSITY, NORMAL.

For erection and equipment of plant house and improvement of school garden for the year beginning July 1, 1905 .....	\$5,500 00
*For the erection and equipment of a manual arts building and auditorium (one building), complete and substantially fire proof.....	75,000 00
<b>*Total.....</b>	<b>\$80,500 00</b>

## TO THE WESTERN ILLINOIS STATE NORMAL SCHOOL, MACOMB.

For improvement of grounds, \$5,000 per annum.....	\$10,000 00
For books for library, \$5,000 per annum.....	10,000 00
For equipment for drawing department.....	1,000 00
For apparatus for biological laboratory.....	1,000 00
For apparatus for chemical and physical laboratories ....	2,000 00
For repairs.....	1,500 00
For fencing and drainage.....	1,000 00
For manual training.....	1,000 00
For furniture for completed building.....	3,000 00
For apparatus for gymnasium.....	750 00
For museum cases.....	500 00
<b>Total.....</b>	<b>\$31,750 00</b>

## TO THE SOUTHERN ILLINOIS NORMAL UNIVERSITY, CARBONDALE.

For the purpose of providing and installing a system of closets for the use of said university and connecting the same by sewer with the sewers of the city of Carbondale.	\$9,000 00
<b>Total.....</b>	<b>\$9,000 00</b>

§ 2. The Auditor of Public Accounts is hereby authorized and required to draw his warrants upon the State Treasurer for the aforesaid sums of money upon the order of the board of trustees of said educational institutions herein named, respectively, signed by the president and attested by the secretary of said boards, respectively, with the corporate seal of said institutions attached, and approved by

the Governor: *Provided*, said orders shall be accompanied by statements in detail of all expenditures made in pursuance of the aforesaid appropriations, respectively, and no warrant shall be issued until such statements in detail are filed by the respective institutions to which the appropriation is made: *And, provided, further*, that such detailed statement of receipts and expenditures and balance on hand shall be made separately, by such institutions, respectively, for each and every appropriation made to said institution.

APPROVED May 18, 1905.

\*I hereby certify that the foregoing act, as printed above, is a correct copy of Senate Bill No. 425, as enrolled and submitted to the Governor for his approval. The items marked with a star, to-wit: "For building and furnishing gymnasium and womens' building, (one building,) \$1,000,000, [100,000]," Eastern Illinois State Normal School, Charleston; and "For the erection and equipment of a Manual Arts Building and Auditorium, (one building,) complete and substantially fire-proof, \$75,000," Illinois State Normal University, Normal, were vetoed by the Governor, and the remaining items approved by the Governor, by which action the total appropriation for the Eastern Illinois State Normal School is reduced from \$120,000, as printed above to \$20,000; and for the Illinois State Normal University is reduced from \$80,500, as printed above to \$5,500; and the total appropriations for all the institutions named in the act is reduced from \$266,150 as printed above to \$91,150.

JAMES A. ROSE,

*Secretary of State.*

#### SCHOOLS AND UNIVERSITIES—UNIVERSITY OF ILLINOIS.

§1. Appropriates for ordinary operating expenses \$350,000 per annum.	§2. Appropriates for items enumerated \$134,535.
Appropriates for items enumerated \$122,500 per annum.	§3. How drawn.
Appropriates for other items enumerated \$35,000.	Approved May 18, 1905.

#### AN ACT *making appropriations for the University of Illinois.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* 1. That there be and is hereby appropriated to the University of Illinois for the payment of salaries, for the care of buildings and grounds, and for ordinary operating expenses, the sum of three hundred and fifty thousand dollars (\$350,000) per annum.

2. For materials for shop practice, the sum of five thousand dollars (\$5,000) per annum.

3. For increase of scientific cabinets and collections, two thousand dollars (\$2,000) per annum.

\*4. For additions to the library, twenty-five thousand dollars (\$25,000) per annum.

5. For additions to apparatus and appliances, three thousand dollars (\$3,000) per annum.

6. For fire protection, fifteen hundred dollars (\$1,500) per annum.

8. For maintenance and extension of engineering equipment and expense of the engineering experiment station, seventy-five thousand dollars (\$75,000) per annum.

10. For carrying on State water analyses, four thousand dollars (\$4,000) per annum.

11. For draining, fencing and repairs on experimental farms, five thousand dollars (\$5,000) per annum.

12. For maintenance of the department of social and political science and industrial economics, eight thousand dollars (\$8,000) per annum.

13. For maintenance of school of music, three thousand dollars (\$3,000) per annum.

14. For providing additional teachers in the College of Agriculture, and also to enable the college to meet the demands for instruction at the farmers' institutes, six thousand dollars (\$6,000) per annum.

\*15. For further equipment of the law school, ten thousand dollars (\$10,000) per annum.

16. For equipment of the chemical laboratory, ten thousand dollars (\$10,000) per annum.

§ 2. That there be and is hereby appropriated to the University of Illinois the following sums for additions to the plant:

1. For additional equipment of the water station, three thousand dollars (\$3,000).

2. For increasing the telephone exchange, fifteen hundred dollars (\$1,500).

3. For enlarging the general heating plant, thirty-five dollars (\$35).

4. For heating and furnishing the woman's building, fifteen thousand dollars (\$15,000).

5. For purchase of Young Men's Christian association lots, \$15,000.

7. For an auditorium and furnishings complete, \$100,000.

§ 3. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the Treasurer for the sums hereby appropriated, payable out of any money in the treasury not otherwise appropriated, upon the order of the board of trustees of said university, attested by its secretary, and with the corporate seal of the university: *Provided*, that no part of said sum shall be due and payable to said university until satisfactory vouchers in detail, approved by the Governor, shall be filed with the Auditor for all previous expenditures incurred by the university on account of the appropriations hitherto made; *And, provided, further*, that vouchers shall be taken in duplicate, and original or duplicate vouchers shall be forwarded to the Auditor of Public Accounts for the expenditure of the sums appropriated in this act.

APPROVED May 18, 1905.

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\*I hereby certify that the foregoing is a true and correct copy of the House Bill No. 185, as approved by the Governor, with the exception of the items 4 and 15 of section 1, marked with a \*, which were vetoed by the Governor for the year beginning July 1, 1906.

JAMES A. ROSE,  
*Secretary of State.*

SCHOOLS AND UNIVERSITIES—UNIVERSITY OF ILLINOIS, ENDOWMENT FUND.

§ 1. Appropriates interest on endowment fund.	§ 2. How drawn. Approved May 12, 1905.
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AN ACT appropriating to the University of Illinois the money granted in an act of Congress, approved August 30, 1890, entitled, "An Act to apply a portion of the proceeds of the public lands to the more perfect endowment and support of the colleges for the benefit of agriculture and mechanic arts, established under the provisions of an act of Congress, approved July 2, 1862."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum, or sums, of money which may have accrued, or may hereafter (before the 1st day of July, 1907, accrue), to the State of Illinois, under the provisions of an act of the Congress of the United States, approved Aug. 30, 1890, entitled, "An act to apply a portion of the proceeds of public lands to to the more perfect endowment and support of the colleges for the benefit of agriculture and the mechanic arts, established under the provisions of an act of Congress, approved July 2, 1862," are hereby appropriated to the University of Illinois, and whenever any portion of the said money shall be received by the State Treasurer, it shall immediately be due and payable into the treasury of said university.

§ 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant on the treasurer for the sums hereby appropriated, upon the order of the chairman of the board of trustees of said university, countersigned by its secretary, and with the corporate seal of said university.

APPROVED May 12, 1905.

SCHOOLS AND UNIVERSITIES—WESTERN NORMAL, COMPLETION OF BUILDING.

§ 1. Trustees to complete building.	Approved May 12, 1905.
§ 2. Appropriates \$125,000—how drawn.	

AN ACT making an appropriation to complete the Western Illinois State Normal School Building.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That upon the passage and approval of this act the Board of Trustees of the Western Illinois or Military Tract State Normal School shall proceed to complete said building, uniformly with the work already begun, according to the plans and specifications now on hand approved by the Governor.

§ 2. To enable the board of trustees to carry out the provisions of this act, there is hereby appropriated the sum of one hundred and twenty-five thousand dollars out of the State treasury, and the Auditor of Public Accounts is hereby authorized and directed to issue his



warrant for the foregoing amount upon the order of the board of trustees, signed by its president, attested by its secretary, and with the seal of the institution attached.

APPROVED May 12, 1905.

STATE CAPITOL—EQUIPPING OFFICES.

§ 1. Appropriates \$7,500 for fitting and furnishing certain rooms.

§ 3. Emergency.

Approved March 6, 1905.

§ 2. How drawn.

AN ACT making an appropriation to the Secretary of State, as custodian of the capitol building, for the purpose of fitting up new offices for the Attorney General of the State and for other departments of the State government which said Secretary of State is required by law to furnish offices.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of \$7,500 be and hereby is appropriated for the purpose of fitting up offices for the Attorney General of the State in the room formerly occupied by the Agricultural Museum and for re-arranging the rooms now occupied by the Attorney General, so that they may be occupied by some of the State boards entitled to offices in the Capitol building.

§ 2. The Auditor of Public Accounts is authorized to draw his warrant on the State Treasurer for the above amount or any part thereof when properly certified to by the Secretary of State.

§ 3. WHEREAS, The rooms now occupied by the Attorney General are inadequate to the purpose; and,

WHEREAS, There are several State boards that the Secretary of State is required to furnish offices for that are without offices; therefore, an emergency exists and this act shall take effect from and after its passage.

APPROVED March 6, 1905.

STATE CAPITOL—REPAIRS.

§ 1. Appropriates \$121,800 for repairs.

§ 4. How drawn.

§ 2. How applied.

Approved May 18, 1905.

§ 3. How expended.

AN ACT to provide for the repair of the State Capitol building at Springfield, Illinois, and making appropriations therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the following several amounts be and they are hereby appropriated for the repair of the State Capitol building at Springfield, Illinois, to-wit:

For a new copper roof on main building and dome.....	\$65,000
For stone work repairs.....	6,000

For carpenter work on window frames.....	\$2,000
For plumbing repairs and refurnishings.....	7,500
For pointing stone work on fronts of buildings.....	2,400
For repairing steam pipes, heating plant, radiators connected with steam plant, and installing new set of grates....	34,900
For contingencies that may arise in the foregoing work....	4,000

§ 2. The several amounts above appropriated for the several purposes named in section 1 of this act, and the funds set apart in said section, are respectively to be applied:

First—To the objects therein specified.

Second—If, however, there shall be a surplus of funds appropriated for any of the items specified in said section 1 and a deficiency in other items to accomplish the improvements and repairs contemplated by such other items, such surplus may be used to meet any such contingency.

§ 3. The appropriation provided for by this act is to be expended and the improvements hereby provided for are to be made under the direction and supervision of a commission consisting of the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Attorney General and State Treasurer, which said commission shall meet as soon after the approval of this act as convenient and organize by electing one of their number president and another secretary.

§ 4. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant upon the State Treasurer for the funds hereby appropriated upon the filing of certified bills of particulars approved by a majority of said commission.

APPROVED May 18, 1905.

#### STATE GOVERNMENT—GENERAL EXPENSES.

§ 1. Makes appropriation for ordinary and contingent expenses, as follows:

1. GOVERNOR—Contingent fund, \$5,000 per annum.
2. Secretary, clerks, stenographers, messengers, etc., \$10,000 per annum.
3. Institution audit clerk, salary and expenses, \$1,500 per annum.
4. Postage, telegraphing, express, etc., \$5,000 per annum.
5. Executive mansion, \$18,500.
6. LIEUTENANT GOVERNOR—Incidentals, \$325.
7. SECRETARY OF STATE—Clerks, stenographers, janitors, police, porters, messengers and other employes, and postage, express, repairs, etc., \$1,500 and \$110,260 per annum.
8. Fuel, repairs, heating and light plant, driveway and walks, \$6,000 and \$14,500 per annum.

9. Supreme Court reports, the sum required by law.

- 10. Supreme Court room, repairs, furniture, etc., \$2,000.
- 11. Flags, \$200.
- 12. State library, employes and books, \$4,900 per annum.
- 13. Copying laws, etc., express, postage, etc., \$300, and \$1,500 per annum.
- 14. STATE CONTRACTS COMMISSIONERS—Printing paper and stationery for use of General Assembly and executive departments, \$30,000 per annum.
- 15. Printing and binding \$55,000 per annum.
- 16. Filing cases, \$1,500.
- 16½ Enforcement of automobile law, license fees received.

17. AUDITOR OF PUBLIC ACCOUNTS—Clerks, stenographers, messengers, janitors and other employés, and postage, express, etc., and paying assessment on State property at Marseilles, \$19,840 per annum and \$208.22.
18. Office vault fixtures, \$6,500.
19. Conveying juvenile offenders, \$8,000 per annum.
20. Conveying convicts, \$20,000 per annum.
21. Conveying offenders to reformatory, etc., \$15,000 per annum.
22. Fugitives from justice, \$2,000 and \$15,000 per annum.
23. Costs and expenses of State suits \$500 per annum.
24. STATE BOARD OF EQUALIZATION—Expenses, \$8,000 per annum.
25. STATE TREASURER — Clerks, watchmen, messengers and porters, collection of inheritance tax, repairs, express, postage, etc., \$24,700 per annum.
26. Necessary amount to refund taxes collected in error.
27. ATTORNEY GENERAL—Assistants, clerks, stenographers, messenger and porter, official duties, investigations and State suits, express, postage, etc., \$15,000 and \$40,100 per annum.
28. SUPERINTENDENT OF PUBLIC INSTRUCTION — Assistants, clerks, and other employés, postage, express, etc., \$10,900 per annum.
29. Interest on distributable fund, \$57,000 per annum.
30. Distributable fund, \$1,000,000 per annum.
31. ADJUTANT GENERAL — Clerks and other employés in office, camps, memorial hall, arsenal, postage, repairs, etc., \$9,340 per annum.
32. BOARD PUBLIC CHARITIES—Secretary's salary and miscellaneous expenses, \$12,000 per annum.
33. SUPREME COURT—Books, book racks, express, postage, librarian, janitor, etc., \$11,700 per annum.
- CLERK OF SUPREME COURT—Court reporter, janitor, indexes and filing cases, \$4,500 and \$2,-520 per annum.
34. APPELLATE COURTS — Office rent, librarian, and other employés, furniture and miscellaneous expenses, deficiency, indebtedness, etc., \$9,964.16 and \$30,410 per annum.
35. RAILROAD AND WAREHOUSE COMMISSIONERS — Officers' expenses, clerks, maps, reports and other expenses, \$1,000 and \$15,300 per annum.
36. MUSEUM OF NATURAL HISTORY—Curator, assistant, janitor, and miscellaneous expenses, \$4,720 per annum.
37. COMMISSIONERS OF LABOR STATISTICS—Clerk hire, expenses of commissioners, expenses of State mining board, mine inspectors, free employment offices, etc., \$38,600 per annum.
38. FISH COMMISSIONERS—Expenses of commissioners, wardens and miscellaneous expenditures, \$3,500 and \$20,000 per annum.
39. GENERAL ASSEMBLY, 45th — Committee expenses \$2,000.
40. LIVE STOCK COMMISSIONERS —Secretary's salary, employés, veterinarians, agents, etc., \$15,000 and \$24,920 per annum.
41. INSURANCE SUPERINTENDENT —Actuary, clerk hire, legal services, express, postage, etc. \$37,565 per annum.
42. LINCOLN HOMESTEAD AND LINCOLN MONUMENT—Custodians, repairs, etc., \$4,075 per annum.
43. HISTORICAL LIBRARY—Assistant librarian, janitor, books, care and maintenance of library etc., \$2,000, and \$6,620 per annum.
44. SUPREME COURT REPORTER—Expenses and messenger service, \$1,970 per annum.
45. STATE FACTORY INSPECTOR—Expenses \$10,000 per annum.

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| <p>46. STATE BOARD OF ARBITRATION—Traveling expenses, rent and clerk hire, etc., \$5,000 per annum.</p> <p>47. BOARD OF PARDONS—Stenographer, express, postage, etc., \$1,900 per annum.</p> <p>48. STATE ENTOMOLOGIST—Assistants, printing, San José Scale, and miscellaneous expenses, \$12,000 and \$14,250 per annum.</p> <p>49. FT. MASSAC TRUSTEES—Custodian and improvements, \$800 per annum and \$3,000.</p> | <p>50. STATE BOARD OF HEALTH—Secretary, clerks, office and other expenses, inspection of lodging houses, etc., \$25,000 and \$30,360 per annum.</p> <p>51. STATE FOOD COMMISSIONER—Assistant, State analyst, inspectors, rent, employés, etc., \$17,460 per annum.</p> <p>52. UNIVERSITY OF ILLINOIS—Interest on endowment fund \$64,000.</p> <p>53. How drawn.</p> |
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Approved May 18, 1905.

*AN ACT to provide for the ordinary and contingent expenses of the State government, until the expiration of the fiscal quarter after the adjournment of the next regular session of the General Assembly.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following named sums, or so much thereof as may be necessary, respectively, for the purposes hereinafter named, be, and are hereby, appropriated to meet the ordinary and contingent expenses of the State government, until the expiration of the first fiscal quarter after the adjournment of the next General Assembly:

First. A sum not to exceed \$5,000 per annum, shall be subject to the order of the Governor for the purpose of defraying such public expenses of the State government as are unforeseen by the General Assembly, and not otherwise provided for by law.

Second. To the Governor, the sum of \$10,000 per annum for secretary to the Governor, for the performance of such official duties of the Governor as may be required of him, and for executive clerk, index and general clerk, stenographer, assistant stenographer, messenger and janitor; payable monthly, as hereinafter named.

Third. To the Governor, the sum of \$3,000 per annum for institution audit clerk, and the sum [of] \$1,500 per annum for his traveling and other necessary expenses.

Fourth. To the Governor, a further sum not to exceed \$5,000 per annum for postage, expressage, telegraphing, telephoning, and other expenses connected with the Governor's office, and incident to the discharge of his duties, payable as hereinafter named.

Fifth. To the Governor, for the care of the executive mansion and grounds, and for heating, lighting and other incidental expenses of the executive mansion, the sum of \$7,500 for the year ending June 30, 1906, and \$6,000 for the year ending June 30, 1907; for repairing executive mansion and barn, \$1,000; for rebuilding roadway and walks, \$1,000; and for completing plumbing contract on mansion, and furnishing mansion, \$3,000.

Sixth. To the Lieutenant Governor, the sum of \$125 for postage, telegraphing, stationery and other incidental expenses for the period from Jan. 1, 1905, to June 30, 1905, erroneously drawn by Lieutenant



Governor Northcott and refunded by him to the State Treasurer. Also to the Lieutenant Governor, for postage, telegraphing, stationery and other incidental expenses, the sum of \$100 per annum.

Seventh. To the Secretary of State, for clerk hire in his office, the following sums: For chief clerk, \$2,700 per annum; for one assistant chief clerk, \$2,100 per annum; for one chief corporation clerk, \$2,000 per annum; for one corporation clerk, \$1,800 per annum; for one corporation clerk, \$1,500 per annum; for one corporation clerk, \$1,200 per annum; for one executive clerk, \$1,800 per annum; for one index clerk, \$2,000 per annum; for one assistant [index] clerk, \$1,500 per annum; for one assistant index clerk, \$900 per annum; for one anti-trust clerk, \$1,800 per annum; for one assistant anti-trust clerk, \$1,500 per annum; for one assistant anti-trust clerk, \$1,200 per annum; for one assistant anti-trust clerk, \$1,000 per annum; for one assistant anti-trust clerk, \$900 per annum; for one shipping clerk, \$1,800 per annum; for one shipping clerk, \$1,320 per annum; for one shipping clerk, \$1,200 per annum; for one shipping clerk and janitor, \$1,200 per annum; for extra clerical services, \$1,500; for one private secretary and stenographer, \$1,800 per annum; for one supply clerk, \$1,800 per annum; for one assistant supply clerk, \$1,200 per annum; for one property clerk, \$900 per annum; for one stenographer and typewriter, \$1,000 per annum; for one stenographer and typewriter, \$900 per annum; for one stenographer and typewriter, \$900 per annum; for one book-keeper, \$1,200 per annum; for three porters and messengers, \$900 each per annum; for one superintendent of capitol building and grounds, \$2,000 per annum; for one assistant superintendent of capitol building and grounds, \$1,320 per annum; for two carpenters, \$900 each per annum; for eight policemen, \$720 each per annum; for three elevator conductors, \$720 each per annum; for eighteen janitors, \$720 each per annum; for one janitress, \$720 per annum; for one flagman, \$720 per annum; for one chief engineer, \$1,200 per annum; for two assistant engineers, \$1,020 each per annum; for twelve firemen, \$800 each per annum; for one weigher, \$1,000 per annum; for one chief electrician, \$1,200 per annum; for three assistant electricians, \$1,020 each per annum; for one janitor and helper in lighting plant, \$900 per annum, payable upon monthly pay-rolls certified to by the Secretary of State; for expenses in connection with the corporation department, the sum of \$3,000 per annum; to the Secretary of State, for postage, expressage, telegraphing and other incidental expenses of his office, \$3,500 per annum; and for the payment of all other necessary incidental expenses incurred by the Secretary of State in the care and custody of the State house and grounds and other State property, and in repairs and improvements of same, and for the performance of such other duties as may be imposed upon him by law, and for which no other appropriation has been made, the sum of \$8,000 per annum; for the purpose of enforcing the foreign corporation act, the sum of \$5,000 per annum; for the purpose of employing extra help needed in the printer expert's office, the sum of \$2,500 per annum.

Eighth. To the Secretary of State for the purchase of fuel and for repairs and other incidental expenses connected with heating the State house, the sum of \$10,000 per annum; for repairing the State house heating and lighting plants, \$2,500 per annum; for incidental expenses connected with operating the State electric lighting plant, \$2,000 per annum; for rebuilding driveway and walks, \$6,000.

Ninth. To the Secretary of State, such sums as may be necessary to enable him to purchase such volumes of the reports of the decisions of the Supreme Court as he is or may be, by law, required to purchase.

Tenth. To the Secretary of State, for the purpose of refurnishing the Supreme Court room, conference rooms, bed rooms of the Supreme Judges, and hall-ways in the apartments of the Supreme Judges, and for new furniture and repairing furniture in the Supreme Court room and conference rooms, the sum of \$2,000.

Eleventh. To the Secretary of State for the purchase of flags for the dome of the capitol building for two years, the sum of \$200.

Twelfth. To the Secretary of State, for the purchase of books and for the incidental expenses of the State library, the sum of \$1,800 per annum, payable upon bills of particulars certified to by the Board of Commissioners of the State Library. To the Secretary of State for salary of assistant librarian, \$1,200 per annum; for second assistant librarian, \$1,000 per annum; for third assistant librarian, \$900 per annum.

Thirteenth. To the Secretary of State, for copying the laws, journals and joint resolutions of the General Assembly, as provided by law, \$300, and for expressage and postage on same, \$1,500 per annum.

Fourteenth. To the Board of Commissioners of State Contracts, for the purchase on contract, as required by law, and other necessary expenses connected therewith, of printing paper and stationery for the use of the General Assembly and the executive departments, the sum of \$30,000 per annum.

Fifteenth. To the Board of Commissioners of State Contracts, for public printing, the sum of \$40,000 per annum, or so much thereof as may be required; for public binding, the sum of \$15,000 per annum, or so much thereof as may be necessary; the public printing and binding to be paid according to contract.

Sixteenth. To the Secretary of State, the sum of \$1,500 to pay for steel filing cases in main vault.

Sixteen one-half. To the Secretary of State such sum as may be necessary for the enforcement of the provisions contained in an act known as the Automobile law, such sum to be paid out of fees received as license fees provided for in said law.

Seventeenth. To the Auditor of Public Accounts, for necessary clerk hire in his office, the following sums: For chief clerk, \$2,700 per annum; for warrant clerk, \$2,100 per annum; for assistant warrant clerk, \$1,500 per annum; for revenue clerk, \$1,800 per annum; for land clerk, \$1,800 per annum; for file and index clerk, \$1,500 per annum; for stenographer and typewriter, \$1,000 per annum; for mes-

senger and clerk, \$720 per annum; for janitor, \$720 per annum; for additional clerk hire, \$3,500 per annum; for postage, express charges, telegraphing and other incidental expenses, incurred in the discharge of his duties, a sum not to exceed \$2,500 per annum. To the Auditor of Public Accounts, for the purpose of paying for the clerical services incidental to the banking department and to the building and loan department, a sum not to exceed the fees received by him for preliminary examinations and filing reports for such banks and building and loan associations, as now provided by law, to be accounted for in the regular reports required of him by law to be made. To the Auditor of Public Accounts for the purpose of paying the special assessment for paving purposes made against the State property in the city of Marseilles, the sum of \$208.22.

Eighteenth. To the Auditor of Public Accounts, for the purchase and installation of steel fixtures and file cases for two office vaults, the sum of \$6,500, or so much thereof as may be necessary.

Nineteenth. To the Auditor of Public Accounts, a sum not to exceed \$4,000 per annum, or so much thereof as may be necessary, for the conveying of female offenders to the State Training School for Girls, and also the sum of \$4,000 per annum, or so much thereof as may be necessary, for the conveying of delinquent boys to the St. Charles Home for Boys, and such further sum as may be necessary to pay for the conveying of delinquent boys to the St. Charles Home for Boys prior to the time that this bill goes into effect, to be ascertained and paid in each instance in the same manner as for conveying prisoners to the penitentiary.

Twentieth. To the Auditor of Public Accounts, a sum not exceeding \$20,000 per annum, or so much thereof as may be necessary, for conveying convicts to the penitentiary, and from and to the penitentiary in cases of new trials, or when used as witnesses in cases, to be paid by the Auditor in the manner now provided by law: *Provided*, that when more than one person is convicted at the same term of court, and is committed to the penitentiary, the sheriff shall take all of said persons so convicted at one trip, and the Auditor of Public Accounts shall refuse payment to any sheriff who shall fail to comply with this provision.

Twenty-first. To the Auditor of Public Accounts, the sum of \$15,000 per annum, or so much thereof as may be necessary, for conveying offenders to the State Reformatory at Pontiac, and from and to the reformatory in cases of new trial, or when used as witnesses in cases, to be paid by the Auditor in the manner now provided by law, to be ascertained and paid in the same manner as in cases of conveying prisoners to and from the penitentiary: *Provided*, that when more than one person is convicted at the same term of court, and is committed to the reformatory, the sheriff shall take all of said persons so convicted at one trip, and the Auditor of Public Accounts shall refuse payment to any sheriff who shall fail to comply with this provision.



Twenty-second. To the Auditor of Public Accounts, for the payment of the expenses provided for by law for the apprehension and delivery of fugitives from justice, \$15,000 per annum, or so much thereof as may be necessary, to be paid on the evidence required by law, certified to and approved by the Governor, and the sum of \$2,000 for rewards for arrests of fugitives from justice, to be paid on bills of particulars having the order of the Governor indorsed thereon.

Twenty-third. To the Auditor of Public Accounts, a sum not exceeding \$500 per annum, or so much thereof as may be necessary, for costs and expenses of State suits.

Twenty-fourth. To the State Board of Equalization, for paying expenses, a sum not exceeding \$8,000 per annum, payable in the manner provided by law.

Twenty-fifth. To the State Treasurer, for clerk hire, the sum of \$9,000 per annum; the sum of \$6,300 per annum for seven watchmen; and the sum of \$900 per annum for one messenger and clerk, all payable on monthly pay rolls, duly certified to by the Treasurer. To the State Treasurer, the sum of \$7,000 per annum, or so much thereof as may be necessary, to be used in the collection of inheritance tax, payable upon certificates of the Treasurer. To the State Treasurer, for repairs, express charges, postage, telegraphing and other incidental expenses connected with his office, a sum not to exceed \$1,500 per annum.

Twenty-sixth. To the State Treasurer, such sums as may be necessary to refund the taxes on real estate sold or paid on error, and for over-payment of collectors' accounts under laws governing such cases, to be paid out of the proper funds.

Twenty-seventh. To the Attorney General, for three assistants, the sum of \$3,000 each per annum; for one assistant, \$2,800 per annum; for one stenographer, \$1,200 per annum; for one stenographer, \$1,000 per annum; for one porter and filing clerk, \$900 per annum; for one stenographer for inheritance tax attorney for Cook county, \$1,200 per annum; for telegraphing, postage and other necessary and incidental expenses, \$4,000 per annum; for the payment of expenses and fees in the making of investigations and prosecution of suits specially directed by the Governor, payable on bills certified by the Attorney General and directed by the Governor \$7,500; for the employment of special counsel to finish the case of the state of Missouri vs. the State of Illinois, et al., in the Supreme Court of the United States, \$5,000; for the payment of costs and expenses accrued and to accrue in the case of the State of Missouri vs. the State of Illinois, et al., \$2,500; for the defraying of all other expenses, and the performance of such other duties as are required by law, the sum of \$20,000 per annum.

Twenty-eighth. To the Superintendent of Public Instruction, the following sums are hereby appropriated: For two assistants, the sum of \$2,400 each per annum; for one clerk, \$1,200 per annum; for one stenographer and typewriter, \$1,000 per annum; for janitor, messenger and clerk, \$900 per annum; all payable on the certificate of



the Superintendent of Public Instruction, on monthly pay rolls. To the Superintendent of Public Instruction, for postage, expressage, telegraphing, expenses of State examinations, and all other necessary expenses of his office, a sum not exceeding \$3,000 per annum.

Twenty-ninth. The sum of \$57,000 per annum, or so much thereof as may be necessary, to pay the interest on the school funds distributed annually in pursuance of law.

Thirtieth. The sum of \$1,000,000 annually, out of the State school fund, to pay the amount of the Auditor's orders for the distribution of said fund to the several counties, and for the payment of the salaries and expenses of county superintendents of schools, as now provided by law. The Auditor shall issue his warrant to the State Treasurer on the proper evidence that the amount distributed has been paid to the county superintendents.

Thirty-first. To the Adjutant General, for clerk hire in his office, the following sums: For chief clerk, \$1,800 per annum; for record clerk, \$1,200 per annum; also the sum of \$1,000 per annum for postage, telegraphing, repairs and other incidental expenses connected with Memorial Hall and office; also for custodian of Memorial Hall, \$900 per annum; for stenographer and typewriter, \$1,200 per annum; for custodian of arsenal, \$1,200 per annum; for ordnance sergeant at arsenal, \$720 per annum; for messenger, \$720 per annum; for custodian at Camp Lincoln, \$600 per annum: *Provided*, that in the employment of the custodians above provided for preference shall be given to Union soldiers.

Thirty-second. To the Board of State Commissioners of Public Charities, for salary of secretary, \$3,000 per annum; for office and incidental expenses of the board, including clerical services in office and auditing institution accounts, necessary expenses of the commissioners and employes while engaged in the discharge of their duties of visitation and inspection, as required by law, \$7,000 per annum, or so much thereof as may be necessary; for the expenses of the boards of auxiliary visitors in making inspections as provided by law, \$1,500 per annum; a sum not exceeding \$5 in amount to be paid therefrom to each member of said boards upon his filing a certificate of the expense incurred in making such inspection; for expenses of the Illinois State Conference of Charities holding annual sessions, securing speakers, and incidental expenses, \$500 per annum.

Thirty-third. There is hereby appropriated to the Supreme Court, for the purpose of buying additional books for the Supreme Court library, for the purpose of rebinding books in said library which need to be rebound, for the purchase of continuations and renewals of the different reports, encyclopedias, reporters, law magazines, current text books and for the purpose of purchasing book stacks and racks, the sum of \$5,000 per annum; for the expenses of the Supreme Court, stationery, repairs, printing, furniture, expressage, telephoning and telegraphing, the sum of \$4,000 per annum; for the salary of the librarian of the Supreme Court, \$1,800 per annum; for the salary of the janitor and messenger of the Supreme Court, who shall take care

of the Supreme Court room, conference room, Supreme Court library, and chambers of the judges, the sum of \$900 per annum, payable upon bills of particulars certified to by at least two of the judges of said court.

To the clerk of the Supreme Court, for court reporter, \$1,800 per annum; for janitor, \$720 per annum; for making comprehensive index of all records, files, and roll of attorneys of the former three grand divisions of the court, the sum of \$3,000; for fitting up additional vault room and file case, \$1,500.

Thirty-fourth. To the Appellate Court of the First District, for rent, \$10,500 per annum, and for no other purpose; for the purchase of law books and reports, \$1,500 per annum; for repairing old law books, \$250 per annum; for furniture, carpets and repairs on same, \$750; for incidental expenses, \$1,000 per annum, for each court; for stenographer's salary, \$1,200 per annum, for each court, said stenographers to be appointed by, and their duties to be prescribed by, the clerk of said court; for librarian's salary (both courts), \$600 per annum; for filing cabinets, consisting of 144 drawers, for the purpose of keeping files of pending and disposed of cases, \$385.

To the Second District Appellate Court, for stationery, fuel, light, postage, expressage, repairs, furniture and other expenses deemed necessary by the court, \$2,000 per annum; for law books, \$600 per annum; for rebinding of law books, \$150 per annum; for librarian, \$600 per annum; to complete payment for repairs and improvements on building, \$2,200; for repairs and refurnishings, \$4,150.

To the Third District of the Appellate Court, for stationery, postage, expressage, furniture and other expenses deemed necessary by the court, \$1,000 per annum, the sums to be paid on bills of particulars certified to by the clerk of the court for which the expenses was [were] incurred; for rebinding old law books, \$200 per annum; for refurnishing judges' apartments, \$225; for linoleum for clerk's outer office, \$98; for book cases for conference room, \$100; for deficiency in incidental expenses, \$300; for new chairs in clerk's office, \$50; to pay outstanding indebtedness, accumulated during the last four years, \$1,206.16.

To the Fourth District of the Appellate Court, the sum of \$1,750 per annum for stationery, fuel, light, postage, expressage, repairs, furniture and other expenses deemed necessary by the court; for books for law library, \$500 per annum; for librarian \$600 per annum; for painting the court house, \$500, such painting to be done under the direction of the clerk and all bills for same to be approved by at least two of the judges of said court.

Also the sum of \$720 each per annum to the Second, Third and Fourth districts of the Appellate Court, for the pay of janitors to be appointed by the clerks of the respective courts, and to perform such duties as shall be determined by the judges and clerks of the respective courts, to be paid on the order of at least two of the judges of each district; for one stenographer for each of the Second, Third and Fourth districts of the Appellate Court, \$1,200 each per annum, such

stenographers to be appointed and their duties to be prescribed by the clerks of the several Appellate Courts, respectively; such salaries to be paid monthly on payrolls duly certified to by the respective clerks and approved by two of the judges of said courts, respectively.

Thirty-fifth. To the Railroad and Warehouse Commissioners, for the salary of the secretary, \$1,500 per annum; for incidental expenses of their office, including care, stationery, postage, telegraphing, extra clerk hire and all necessary expenditures, except those hereinafter provided for, a sum not to exceed \$3,000 per annum.

For any expense incurred in suits or investigations commenced by authority of the State under any law in force, or hereafter enacted, empowering or entrusting the board of commissioners with the prosecution of such suits or investigations, including the fees of experts employed and clerical help connected therewith, the sum of \$4,000 per annum, or such part thereof as may be necessary, for such purposes.

For printing, mailing, expressing and publication of schedules of reasonable maximum rates of charges for the transportation of passengers and freights, made or revised for any or all of the railroads of the State, as provided by law, the sum of \$1,000 or so much thereof as may be necessary for such purposes.

For the printing, mailing, expressing and publication of railroad maps of Illinois, both steam and electric, to be bound with annual reports, the sum of \$2,000 per annum.

For salary of civil engineer, when so employed by the commission, in their discretion, the sum of \$3,000 per annum, which said civil engineer when so employed, shall do such engineering work, and make such inspections and reports as the said commissioners may direct, and for the salary of an assistant civil engineer, the sum of \$1,800 per annum, when employed as assistant civil engineer, whose duties shall be prescribed by the board.

Thirty-sixth. To the trustees of the Illinois State Museum of Natural History, for salary of the curator of the Illinois State Museum of Natural History, the sum of \$2,500 per annum; for the salary of an assistant curator, the sum of \$1,000 per annum, for the salary of a janitor, the sum of \$720 per annum, all payable monthly as provided by law. For the contingent and necessary expenses of the museum and library thereof, including postage, expressage, mounting of new specimens acquired by purchase or gift, subscriptions to scientific journals and binding of the unbound volumes in the library and for traveling expenses incurred on business connected with the museum, the sum of \$500 per annum, payable on bills of particulars duly certified to by the curator and approved by the trustees.

Thirty-seventh. To the Commissioners of Labor Statistics, for the purpose of procuring, tabulating and publishing statistics of labor as contemplated by law; for the purchase of instruments for the inspectors of mines; for clerical services, including special agents; for the incidental expenses of the board and for defraying the per diem and traveling expenses of the commissioners and secretary, the sum of \$11,000 per annum.



To the State Mining Board, for the examination of candidates for certificates as mine inspectors, mine managers, mine examiners and hoisting engineers, for per diem and expenses of the board in conducting such examinations, including salary of stenographer at \$720 per annum, the sum of \$6,000 per annum, or as much thereof as may be necessary.

To the State Mine Inspectors, for actual expenses incurred in the discharge of their duties, as provided by law, the sum of \$4,500 per annum, of which sum not to exceed \$600 per annum shall be paid to any one inspector.

To the Illinois Free Employment offices, located in Chicago and Peoria, the following sums:

To the South Side office, for salary of male clerk, \$800 per annum; for salary of female clerk, \$720 per annum; for salary of stenographer, \$720 per annum; for salary of janitor, \$600 per annum; for rent and general expenses, \$2,000 per annum; for advertising, \$400 per annum; for postage and expressage, \$300 per annum.

To the West Side office, for salary of clerk, \$800 per annum; for stenographer, \$720 per annum; for janitor, \$600 per annum; for rent and general expenses, \$1,700 per annum; for advertising, \$400 per annum; for postage and expressage, \$100 per annum.

To the North Side office, for salary of clerk, \$800 per annum; for stenographer, \$720 per annum; for janitor, \$600 per annum; for rent and general expenses, \$2,100 per annum; for advertising, \$400 per annum; for postage and expressage, \$100 per annum.

To the Peoria office, for salary of stenographer, \$720 per annum; for rent and general expenses, \$1,400 per annum; for advertising, \$300 per annum; for postage and expressage, \$100 per annum.

Thirty-eighth. To the Fish commissioners of the State, the sum of \$7,500 per annum, or so much thereof as may be necessary, to be used by them in pursuance of law; the sum of \$7,500, per annum, or so much thereof as may be necessary, for the service and expense of such persons as may be employed by them, including wardens, while performing such service, no fees being allowed in the enforcement of the laws for the protection of fish and relating to fishways, and for the personal traveling expenses of the commissioners; the sum of \$3,500, or so much thereof as may be necessary to equip the steamer "Illinois" with new boilers and make such repairs as are needed; the sum of \$5,000 per annum, or so much thereof as may be necessary, for the maintenance and operation of the boats owned by the State and used by the Fish Commissioners of the State in the collection of fish and enforcement of fish laws.

Thirty-ninth. The sum of \$2,000, or so much thereof as may be necessary to pay the expenses of the committees of the 45th General Assembly.

Fortieth. To the State Board of Live Stock Commissioners, the following sums are hereby appropriated: For salary of secretary, \$1,800 per annum; for salary of assistant secretary, who shall be a stenographer and typewriter, \$1,200 per annum; for salary of mes-



senger, \$720 per annum; for telegraphing, postage, expressage and other incidental expenses of the office, \$1,200 per annum; for per diem and expenses of State Veterinarian, \$3,500 per annum; for salary of chief inspector at Union Stock Yards, Chicago, \$1,800 per annum; for salary of assistant chief inspector, at Union Stock Yards, Chicago, \$1,000 per annum; for salary of clerk, at Union Stock Yards, Chicago, \$1,200 per annum; for salaries of four agents, at Union Stock Yards, Chicago, including horse hire, \$6,300 per annum; for salary of chief inspector, National Stock Yards, East St. Louis, \$1,200 per annum; for salary of one agent, at National Stock Yards, East St. Louis, \$1,000 per annum; for salary of inspector at Union Stock Yards, Peoria, \$1,000 per annum; to pay the traveling and incidental expenses of the commissioners and secretary, \$3,000 per annum.

For paying damages for animals diseased or exposed to contagion, slaughtered; for per diem and traveling expenses of assistant State veterinarians and special agents, for property necessarily destroyed or disinfection of premises, when such disinfection is practicable, under any law of this State for the suppression and prevention of the spread of contagious and infectious diseases among domestic animals, the sum of \$15,000, or so much thereof as may be necessary.

Forty-first. To the Insurance Superintendent, for actuary, \$3,000 per annum; for chief clerk, \$2,500 per annum; for messenger, \$720 per annum; for janitor, \$720 per annum; and for other necessary clerk hire in his office, the sum of \$13,000 per annum; for postage, express charges, telegraphing and other incidental expenses, the sum of \$6,000 per annum; for expenses in attending the annual convention of insurance commissioners, the sum of \$125 per annum; for expenses of examinations and investigations which can not be collected from the companies or associations examined, \$1,000 per annum, or so much thereof as may be necessary; for all examinations and investigation, such amount for expenses incurred and services of assistants employed, as shall be collected from the companies or associations examined; for expenses in the prosecution of violations of the insurance laws, the sum of \$6,000 per annum; and for legal services, the sum of \$4,000 per annum; for printing and distributing the reports of the Farmers' Mutual Insurance Companies, the sum of \$500 per annum, or so much thereof as may be necessary.

For making valuations of reserves of life insurance companies, the Insurance department, with the approval of the Governor, is hereby authorized to use the sums collected for such purposes in the payment of the costs thereof, and include the same in his annual report to the Governor.

Forty-second. To the trustees of the Lincoln Homestead, for the salary of the custodian, the sum of \$1,000 per annum; and for repairs and improvements, the sum of \$300 per annum; and for heating and lighting, \$275 per annum; to be expended by said trustees as provided in the act of 1887 creating said trust.

To the trustees of Lincoln Monument, for salary of custodian, the sum of \$1,000 per annum; for fuel, care of grounds and other incidental expenses, \$1,500 per annum.

Forty-third. To the Illinois State Historical Library, for care, maintenance, purchase of books, and manuscripts, the sum of \$3,000 per annum; for editing, printing and publishing historical documents, \$2,000 per annum; for salary of assistant librarian, \$900 per annum; for salary of janitor, \$720 per annum; for the expenses of the State Historical Society in the holding of their annual meeting, the sum of \$2,000, all to be expended under the direction of the trustees of the Illinois State Historical Library.

Forty-fourth. To the Supreme Court reporter, for the expenses of printing in advance the opinions of the Supreme Court, and of distributing printed proofs thereof to the several members of the court and to the Attorney General in such cases as the State may be interested in, together with the expenses of transmitting such proofs and the original opinions by mail and express, and to make printers' corrections in said proofs after final adoption, the sum of \$1,250 per annum, payable upon bills of particulars, certified to by at least two judges of said court. To the Supreme Court reporter, for custodian and messenger, the sum of \$720 per annum, payable upon bills of particulars duly certified by the reporter.

Forty-fifth. To the State Factory Inspector, to defray the traveling and other necessary expenses incurred by the inspectors and assistant factory inspectors in the performance of their duties, \$10,000 per annum.

Forty-sixth. To the State Board of Arbitration, for traveling expenses of the members and secretary, and for postage, stationery, telegraphing, telephoning, expressage, additional clerk hire, office rent and all other necessary expenses, the sum of \$5,000 per annum, or as much thereof as may be necessary.

Forty-seventh. To the Board of Pardons, for postage, telegraphing, expressage and other incidental expenses, \$1,000 per annum; for salary of stenographer, the sum of \$720 per annum; to the parole board, for salary of stenographer, \$180 per annum.

Forty-eighth. To the State Entomologist, for field, office, incidental and library expenses, the sum of \$1,500 per annum; for pay of assistants, the sum of \$2,000 per annum; for the illustration of bulletins and reports, the sum of \$500 per annum; for expenses incurred under the "Act to prevent the introduction and spread in Illinois of the San Jose scale, and other dangerous insects and contagious diseases of fruits," the sum of \$12,000, or so much thereof as may be necessary.

To the State Agricultural Experiment Station, for the publication of bulletins prepared by the State Entomologist, the sum of \$750 per annum.

To the State Laboratory of Natural History, for the expenses of the natural history survey, the sum of \$8,000 per annum; for the supply of natural history specimens to the public schools, the sum \$500 per annum; for the publication of bulletins and reports, the sum of \$1,000 per annum.

Forty-ninth. To the Fort Massac trustees, the sum of \$600 per annum for the purpose of paying the custodian, and \$3,000 for improvements.

Fiftieth. To the State Board of Health, for salary of secretary, the sum of \$3,000 per annum; for salary of assistant secretary, \$1,800 per annum; for necessary office expenses, including expenses incurred in attending meetings of the board, for making sanitary investigations, and for the purposes of investigating the cause and preventing the spread of such contagious and infectious diseases as consumption, typhoid fever, diphtheria, scarlet fever, influenza and malarial fevers, the sum of \$5,000 per annum; for expenses of laboratory for the investigation of disease, \$1,800 per annum; for chief clerk, \$1,800 per annum; for one clerk \$1,200 per annum; for two clerks, \$1,000 each per annum; for stenographer and typewriter, \$1,000 per annum; for registrar of vital statistics, \$1,200 per annum; for bacteriologist, \$1,200 per annum; for janitor and messenger, the sum of \$360 per annum.

Also the sum of \$10,000 per annum to be used only with the consent and concurrence of the Governor, on the recommendation and advice of the board, in case of an outbreak or threatened outbreak of any epidemic or malignant disease such as smallpox, yellow fever, Asiatic cholera and typhus fever, to defray the expenses of preventing the introduction of such diseases, or their spread from place to place within the State; to suppress outbreaks which may occur, and to investigate methods of their prevention; also for special investigation, when required by the sanitary necessities of the State.

Also the sum of \$25,000 for the necessary expenses, including the salary of stenographer at \$1,200 per annum, incurred in the supervision and inspection of lodging houses, boarding houses, taverns, inns, rooming houses and hotels, in cities of one hundred thousand or more inhabitants.

Fifty-first. To the State Food Commissioner, for salary of first assistant State analyst, \$1,000 per annum; for expenses of inspectors, \$6,000 per annum; for expenses of laboratory for office, \$1,500 per annum; for rent for offices and laboratory, \$2,500 per annum; for postage, \$1,000 per annum; for expenses of State Food Commission, \$3,600 per annum; for stenographer, \$900 per annum; for assistant stenographer, \$480 per annum, for assistant clerk, \$480 per annum.

Fifty-second. To the University of Illinois, for the payment of interest on the endowment funds of said university, as provided by section 2 of the act relating to said university, approved June 11, 1897, for the years 1905 and 1906, the sum of \$64,000, or so much thereof as may be necessary under the terms of said act.

Fifty-third. The Auditor of Public Accounts is hereby authorized and directed to draw warrants on the State Treasurer for all sums herein appropriated for the pay of clerks, secretaries, porters, messengers, janitors, watchmen, policemen, laborers, engineers, firemen, stenographers, curators, librarians and other employes, when not otherwise provided for by law, to be paid on monthly pay rolls duly



certified to, respectively, by the heads of departments, or by boards of commissioners and trustees requiring the services of such employes; and for all other appropriations specified herein, warrants on the State Treasurer shall, when not otherwise provided by law, be drawn only on itemized bills, accompanied by receipted vouchers, showing the expenditure of moneys named in the itemized bills, except for expenditures for railroad or street car fare. In cases of expenditures for railroad fares, the itemized bills must show from what point to what point traveled, and the amount paid for the same; said itemized bills to be certified to by the heads of departments; all expenditures by boards of commissioners and trustees appointed by the Governor, or their employes, to be certified to by said boards and approved by the Governor, all expenditures by boards of commissioners and trustees provided for by law, to be certified to by the said boards of commissioners and trustees, respectively.

The Auditor is hereby authorized, and it is made his duty, to refuse any warrant or warrants, when any of the provisions of this act are not strictly complied with.

APPROVED May 18, 1905.

#### STATE HIGHWAY COMMISSION ESTABLISHED.

§ 1. Appointment of commissioners—term of office—vacancy—removal.

§ 2. Oath—offices—annual report.

§ 3. Duties of commission.

§ 4. Commissioners to receive no compensation—expenses provided for.

§ 5. State engineer—appointment—duties.

§ 6. Cöoperation of road commissioners.

§ 7. Appropriation—how drawn.

Approved May 18, 1905.

*AN ACT to establish a State Highway Commission, defining the duties thereof and to make an appropriation for experimental purposes.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the Governor shall, upon the taking effect of this act, by and with the consent of the Senate appoint three persons, to be entitled and known as "The Highway Commission," two of whom shall belong to the political party casting the highest number of votes at the last preceding general election and one of whom shall belong to the political party casting the next highest number of votes. The persons so appointed shall hold office for two years from the date of their appointment and qualification, unless sooner removed. In making the appointments the Governor shall designate which of the three persons so appointed shall act as chairman of the commission for the ensuing two years. In case of any vacancy in said commission, the Governor shall immediately fill such vacancy. The Governor may remove any member of said commission from office for misconduct, incompetency, or neglect of duty; and two members of said commission shall constitute a quorum for the transaction of business.



§ 2. Before entering upon their duties, the said commissioners shall respectively take, and subscribe to, the constitutional oath required of other State officers, which shall be filed in the office of the Secretary of State, who is hereby authorized and directed to administer such oath. The Secretary of State shall thereupon set apart and properly furnish a room in the State Capitol for the use of said commission and shall provide all needful books, stationery and printing required, for the transaction of the business of the commission. The said commission shall submit an annual report to the Governor, which shall include a detailed statement of the expenses of the commission.

§ 3. It shall be the duty of the commission to investigate and to carry on such experimental work in road building, different methods of construction, kinds of material and system of drainage as will enable it to determine upon the various methods of road construction best adapted to the various sections and soils of the State, the cost of the same, and recommend standards for the construction of highways in the various sections of this State. It may be consulted by county, city, village, or township officers having authority over highways and bridges, and shall, when requested, advise and give without charge information to such officers relative to the construction, repairing, alteration and maintenance of said highways and bridges.

§ 4. The said commissioners shall receive no compensation for their time or services; but the actual expenses of each of them while engaged in the performance of the duties of the office and any actual outlay for any aid and assistance required in examination and investigation on being made out and certified by the commissioner making the charge, verified by the chairman of the commission and approved by the Governor, shall be paid monthly by the Treasurer, on the warrant of the Auditor of Public Accounts.

§ 5. The said commission shall have power to appoint a State engineer, who shall receive reasonable compensation for the time actually employed in the service of the State. Said engineer shall be subject to the direction of the commission while engaged in his official duties and shall be allowed his actual traveling expenses when on official business. He shall submit an itemized statement of his expenses to the commission for their approval. Said commission shall be empowered to employ such clerical and other assistance as the members thereof may deem necessary to successfully carry on the work of said commission.

§ 6. It is hereby made the duty of all commissioners of highways in counties under township organization, and of commissioners of highways and supervisors or overseers of highways in counties not under township organization, to furnish detailed information concerning their work and of the highways under their control to the State Board of Highway Commissioners, upon the written request of and on blank forms supplied by said State commissioners.

§ 7. The sum of twenty-five thousand dollars (\$25,000) per annum is hereby appropriated to carry out the provisions of this act and the Auditor of Public Accounts is hereby authorized and directed to draw his warrant for the sum herein specified upon the Treasurer upon the presentation of proper vouchers attested by the chairman of the commission and approved by the Governor.

APPROVED May 18, 1905.

#### SUPREME COURT BUILDING.

Preamble.

§ 1. Building commission—how constituted.

§ 2. Organization of commission.

§ 3. Selection of site.

§ 4. Plans and designs.

§ 5. Bids for erection of building.

§ 6. Appropriates \$150,000.

§ 7. How drawn.

§ 8. Uses of building—care and custody vested in Supreme Court.

Approved May 18, 1905.

*AN ACT creating a commission and providing for the construction of a building for the use of the Department of Justice of the State of Illinois, and for securing a site, and making an appropriation for such building and site.*

WHEREAS, The portion of the capitol building assigned to the use of the Department of Justice of the State of Illinois, embracing the Supreme Court, the offices of the Attorney General, the State law library, and the other branches of said department, including the Appellate Court for the Third District, is inadequate for such use, and is required for other purposes in the increasing business of the State and the several State boards; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That a commission consisting of the Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, State Treasurer, Attorney General, and three judges of the Supreme Court to be designated by said court, is hereby constituted, with full power to carry out the provisions of this act, as hereinafter set forth.

§ 2. It shall be the duty of the commission, named in section 1 of this act, to meet and organize, as soon as practicable after the taking effect of this act, by electing one of their number president and another secretary.

§ 3. It shall be the duty of said commission to select a suitable site on some of the lands or grounds owned by the State of Illinois, situated in the city of Springfield, upon which to erect a building for the use of the Department of Justice of said State; or if, in the opinion of the commission, no suitable site can be selected on grounds already owned by the State, then said commission may select some other site in said city, and acquire title thereto, either by donation, purchase, or condemnation; and said commission is hereby invested with power to obtain the title to any site so selected by condemnation under the eminent domain laws of said State.

§ 4. After said commission shall have selected a suitable site for the erection of the building herein specified, and acquired title thereto, it shall be the duty of said commission to advertise for plans, designs and specifications for such building, and the competition shall be open to all the architects of the State. Said commission shall make a selection of plans, designs and specifications, for a building which, together with the expense, if any, of securing a site therefor, shall cost, when finally completed, not more than three hundred and fifty thousand dollars (\$350,000); and said commission is hereby authorized to pay for said plans, designs and specifications a reasonable sum, out of any moneys herein appropriated for the erection of such building.

§ 5. As soon as said commission has selected the plans, designs and specifications for the erection of such building, they shall proceed to advertise for bids for the erection of the same, and shall let the contract for the construction thereof to the lowest and best responsible bidder, after having advertised the same for 30 days in at least one newspaper in the following named cities: Chicago, Springfield, Bloomington, Peoria, Quincy, Decatur and East St. Louis: *Provided*, the commission shall have power to reject any and all bids and re-advertise, as many times as in their judgment they may think best.

§ 6. In order to carry out the provisions of this act, and to secure a site and begin the construction of such building, there is hereby appropriated the sum of one hundred and fifty thousand dollars (\$150,000), to be subject to the order of the said commission on the terms and conditions set forth in section 7 of this act.

§ 7. The Auditor of Public accounts is hereby directed and empowered to pay out, upon vouchers signed by a majority of the commission herein named, all or any part of the sum appropriated in section 6 of this act.

§ 8. After the completion of the building herein specified, it shall be devoted to the uses of the Department of Justice of the State of Illinois, and be occupied by the Supreme Court, the Attorney General, with his assistants, the State law library, the Appellate Court for the Third District, and the other branches of the Department of Justice of said State now existing or which may hereafter be created.

The care, custody and control of said building, when completed, shall be vested in the Supreme Court, and they are hereby empowered to appoint a custodian of said building when so completed, at a salary not to exceed \$1,000 per annum.

APPROVED May 18, 1905.

## RICHARD YATES PORTRAIT.

§ 1. Appropriates \$1,000—how drawn.

Approved May 12, 1905.

AN ACT *making an appropriation for the painting of a portrait of ex-Governor Richard Yates.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there be and is hereby appropriated from the money in the treasury the sum of one thousand (1,000) dollars or so much as may be necessary thereof to have painted and framed a portrait of ex-Governor Richard Yates, to be placed in the Executive office at the State House, to be paid on the order of the Secretary of State and approved by the Governor.

APPROVED May 12, 1905.

## ARCHITECTS.

## LICENSING OF ARCHITECTS.

§ 1. Amends section 8, act of 1897.

Approved May 16, 1905.

§ 8. Practicing without a license—  
penalty.

AN ACT *to amend section eight (8) of "An act to provide for the licensing of architects, and regulating the practice of architecture as a profession," approved June 3, 1897, in force July 1, 1897.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section eight (8) of an act entitled, "An act to provide for the licensing of architects, and regulating the practice of architecture as a profession," approved June 3, 1897, in force July 1, 1897, be and is hereby amended to read as follows:

§ 8. After six months from the passage of this act it shall be unlawful, and it shall be a misdemeanor punishable by fine of not less than ten dollars (\$10) nor more than two hundred dollars (\$200) for each and every offense, for any person to practice architecture without a license in this State, or to advertise, or to put out any sign or card or other devise which might indicate to the public that he or she is entitled to practice as an architect.

APPROVED May 16, 1905.



## STATE ARCHITECT'S SALARY.

§ 1. Amends section 2 of existing law.

Approved May 16, 1905.

§ 2. Salary and expenses of State architect.

AN ACT to amend section two (2) of an act entitled, "An act creating the office of supervising architect of the State of Illinois and defining his powers and duties."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section two (2) of an act entitled, "An act creating the office of supervising architect of the State of Illinois and defining his powers and duties," be amended to read as follows:

§ 2. The compensation of such State Architect shall be five thousand (5,000) dollars per annum, and the Auditor of Public Accounts is hereby authorized and directed to issue his warrants on the treasury in favor of such State Architect for the amount specified in this section, and the State Treasurer is hereby authorized and directed to pay said warrants out of any money in the treasury not otherwise appropriated, and in addition to his salary as herein provided, the trustees of the several State institutions shall pay to the State Architect the necessary traveling expenses when engaged in the superintendence and construction of work for such institution, and all of the actual and necessary expenses incurred by him in the preparation of plans and specifications, such salaries for draughtsmen and other employés, out of the appropriations for which the work was specifically performed, upon presentation of itemized bills for the various parties performing such services of furnishing such material and sworn and certified to by the State Architect. In no instance shall these additional expenses exceed one and one-half ( $1\frac{1}{2}$ ) per cent of the total amount of work done.

APPROVED May 16, 1905.

## ASSIGNMENTS.

## ASSIGNMENT OF WAGES.

§ 1. Assignments must be in writing and duly acknowledged—assignment by husband.

§ 2. Assignment defined.

§ 3. Loans tainted with usury.

§ 4. Certain assignments void.

§ 5. Suits to enforce assignment—injunction.

§ 6. Validity of act considered—proviso.

Approved May 13, 1905.

AN ACT in relation to the assignment of wages, income or salary.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* No assignment of the wages or salary of any person shall be valid, so as to vest in the assignee

any beneficial interest, either at law or in equity, unless such assignment shall be in writing, signed by the assignor and acknowledged in person by the assignor before a justice of the peace in and for the township in which the assignor resides, and entered by such justice upon his docket, and unless within three days from the date of the execution and acknowledgment of such assignment, a true and complete copy of said assignment and of the certificate of its acknowledgment shall be served upon the person, firm or corporation from whom such wages or salary is due or is to become due, in the same manner that the summons in chancery is now required by law to be served: *Provided, further*, that no assignment of wages or salary by a married person shall be valid unless the same is also executed and acknowledged, as above, by the assignor's wife or husband, as the case may be.

§ 2. The term "assignment" as used in this act shall include every assignment, transfer, sale, pledge, mortgage or hypothecation, however made or attempted, of the wages or salary of any person, or of any interest therein.

§ 3. Whenever any assignment of the wages or salary of any person or persons shall be given as security for a loan tainted with usury, or shall be given to secure the payment or fulfillment of a usurious contract or the payment of the principal or the interest of a usurious debt, such assignment shall be absolutely void.

§ 4. Every assignment of wages to be earned in whole or in part more than six (6) months from and after the making of such assignment shall be absolutely void.

§ 5. Whenever any person, firm or corporation shall bring or threaten to bring any action or suit to enforce any assignment of wages or salary which has not been duly executed, acknowledged and served upon the employer in conformity with the provisions of this act or which is declared invalid by the provisions of this act, courts of equity shall have full power, upon the application either of the assignor of such wages or salary, or of the person, firm or corporation from whom such wages or salary is, or is to become due, to perpetually enjoin the threatened or attempted enforcement of any such assignment, and the fact that the complainant has a complete and adequate remedy at law, shall constitute no defense to the maintenance of a suit in equity for the purposes aforesaid.

§ 6. The invalidity of any portion of this act shall not affect the validity of any other portion thereof which can be given effect without such invalid part.

APPROVED May 13, 1905.

## CANALS AND RIVERS.

## ILLINOIS AND MICHIGAN CANAL COMMISSIONERS.

§ 1. Amends section 8, act of 1874.

Approved May 16, 1905.

§ 8. Duties of canal commissioners enumerated.

AN ACT to amend section 8 of an act entitled, "An act to revise the law in relation to the Illinois and Michigan canal and for the improvement of the Illinois and Little Wabash rivers," approved March 27, 1874, in force July 1, 1874, as amended by an act approved June 19, 1891, in force July 1, 1891, as amended by an act approved April 21, 1899, in force July 1, 1899.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 8 of an act entitled "An act to revise the law in relation to the Illinois and Michigan canal and for the improvement of the Illinois and Little Wabash rivers," approved March 27, 1874, in force July 1, 1874, as amended by an act approved June 19, 1891, in force July 1, 1891, as amended by an act approved April 21, 1899, in force July 1, 1899, be and the same is hereby amended so as to read as follows:

§ 8. Said commissioners shall have control and management of the Illinois and Michigan canal, including its feeders, basins and appurtenances, and the property thereto belonging, and all locks and dams and other improvements of the navigation of the Illinois and Little Wabash rivers, and shall have authority:

First: To appoint a general superintendent, collector of tolls and such other officers and agents as may be necessary for the management of the said canal, locks, dams and other improvements, and prescribe their compensation, powers and duties, and remove them at pleasure and may employ all such agents and servants as may be necessary in the performance of the duties of their office.

Second: To prescribe reasonable rules and regulations in respect to all matters connected with the navigation and use of the said canal, locks and dams and transportation on or through the same, and whoever shall wilfully or negligently refuse or neglect to comply with such rules may be fined in any sum, not exceeding \$50 for each offense, to be recovered in the name of the People of the State of Illinois, before any justice of the peace in the county, and paid over to said commissioners, and said commissioners may prohibit all persons who wilfully refuse or neglect to comply with such rules from using said canal, locks and dams. Printed copies of such rules and of this article shall be posted for public inspection in the offices of the collectors of tolls. The power granted in this article shall apply as well to that part of the south branch of the Chicago river within one thousand feet of the lock at Bridgeport, and to the canal basin at or near the termination of the canal on the Illinois river, and to that part of the Illinois and

Little Wabash rivers above and below the several locks and dams within one thousand feet thereof, and to all feeders, basins and laterals as to the canal, locks and dams.

Third: To establish and collect reasonable rates of toll for the passage and use of the said canal and the said locks: *Provided*, that the use of the said canal and locks shall be free for the transportation of any property of the United States, or persons in their service passing through the same.

Fourth: To sell and dispose of any machinery, fixtures, stone, debris, material or personal property unnecessary for the proper management, construction, repair or use of said canal, locks, dams and other improvements.

Fifth: To lease from time to time any of the canal lands or lots owned by the State: *Provided*, no lease shall be for a period exceeding twenty years.

Sixth: To lease from time to time, to the highest bidder therefor, any water power and lands or lots connected therewith. Before any such lease shall be made, at least thirty days' public notice of the intended letting shall be given by publication in some newspaper published in the neighborhood, and such other notice as the commissioners shall deem best. The commissioners shall have power to require that bids be accompanied by security and may reject all bids not satisfactory to them, and re-advertise until they shall receive satisfactory bids. No lease shall be for a period exceeding twenty years, but the commissioners may provide for the extension of any lease from time to time, not exceeding twenty years at any one time, at a rent to be fixed by an appraisal, to be made by three disinterested appraisers to be appointed by the Governor, and such appraisal shall be subject to the approval of the commissioners. All leases of water power and extension thereof shall be subject to the right of the commissioners to resume, without compensation to the lessee, the use of any such water power for the purpose of the canal, and also wholly to abandon or destroy the work by the construction of which the water privilege shall have been created, whenever, in the opinion of the Legislature, such work shall cease to be advantageous to the State.

Seventh: To lease from time to time to the highest and best bidder (after publishing notice in some newspaper published in the county where the ice privilege to be leased may be), in sections not exceeding one thousand feet, lineal measure, upon such terms, as not to interfere with the proper use and management of the canal, the right to take and harvest ice therefrom, or from any of its feeders, basins and appurtenances, and to prohibit all persons from taking and harvesting ice therefrom without such lease: *Provided*, no such lease shall be for a longer time than twenty years.

Eighth: To sell and convey, whenever in their judgment the interest of the State will be promoted thereby, any canal lands or lots now owned by the State, and any riparian rights in and along the Des Plaines river: *Provided*, they shall not sell any lands or any portion



of the ninety foot strip along the canal which are now utilized in connection with the use of the water power upon the said canal or which will prevent or interfere with the proper use and operation of the said canal as a waterway. But before making any such sale they shall obtain the approval of the Governor thereto, and to the time, place and manner of making the same: *Provided*, that before any such sale shall be made thirty days' previous notice thereof shall be given in some newspaper published in the county where such land, lots or riparian rights are situated. And said land, lots or riparian rights shall be sold at public auction to the highest and best bidder: *Provided*, that any or all such bids may be rejected if, in the judgment of the canal commissioners, the interests of the State seem to require it.

Ninth: To execute in due form and deliver any conveyance that may be necessary to comply with the conditions of any bond, contract or agreement heretofore made by those lawfully authorized to sell any of the real estate known as canal lands, where the purchaser shall have complied with the conditions of such bond, contract or agreement, and the commissioners are satisfied that he is justly entitled to such conveyance.

APPROVED May 16, 1905.

## CEMETERIES.

### DONATIONS TO MUNICIPAL CEMETERIES.

§ 1. Authorizes acceptance of donations by board of managers—emergency. | Approved March 3, 1905.

AN ACT to amend an act entitled, "*An act to enable cities and villages to establish and regulate cemeteries, approved March 24, 1874, amended by an act approved May 25, 1877, in force July 1, 1877, amended by an act approved June 14, 1883, in force July 1, 1883,*" by adding thereto the following to be designated as section 5½.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act to enable cities and villages to establish and regulate cemeteries, approved March 24, 1874, as amended by an act approved May 25, 1877, in force July 1, 1877, as amended by an act approved June 14, 1883, in force July 1, 1883, be amended by adding thereto the following, to be designated as section 5½.

Section 5½. Where there is now, or may hereafter be established and maintained cemeteries as provided in section five (5) of this act, the mayor with the advice and consent of the city council may appoint a board of three persons who shall be known as the cemetery board of managers, who shall hold their office for a period of two years or until their successors are appointed, who are hereby authorized and empowered to receive in trust from the proprietors or own-

ers of any lot or ground or any person interested in the maintenance of the same, any sum of money by bequest of no less denomination than fifty dollars (\$50) and upward and invest the same in such manner as shall be provided by ordinance of said city and apply the income thereof perpetually for the care of such cemetery, lot, the grass, graves, trees and ornaments as may be provided by ordinance of the city council.

WHEREAS, There are several parties in the various cities throughout the State that desire to make such donations, wherefore, an emergency exists, therefore, this act shall be in full force and effect from and after its passage.

APPROVED March 3, 1905.

#### ORGANIZATION AND CONTROL OF CEMETERY ASSOCIATIONS.

§ 1. Adds several sections to act of 1903.

§ 15. Cemetery associations are public corporations.

§ 16. Plats and maps provided for.

§ 17. Condemnation of adjoining land — method of procedure.

§ 18. Condemnation proceedings — further provisions.

§ 19. Condemnation proceedings — further provisions.

§ 20. Condemnation proceedings — duty of county judge.

Approved May 16, 1905.

AN ACT to amend "*An act to provide for the organization, ownership, management and control of cemetery associations,*" approved May 14, 1903, in force July 1, 1903, by adding thereto six new sections, to be numbered 15, 16, 17, 18, 19 and 20.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act to amend an act to provide for the organization, ownership, management and control of cemetery associations, approved May 14, 1903, be amended by adding thereto six new sections to be numbered 15, 16, 17, 18, 19 and 20, to read as follows:

§ 15. That such cemetery association, when duly organized, shall be public corporations, for the purpose of burial ground and cemetery business only.

§ 16. That such cemetery association heretofore organized or that may hereafter be organized for cemetery purposes, which shall have acquired or may hereafter acquire land by purchase, deed, will or otherwise, and shall have platted, mapped and used said land for cemetery purposes, may, when necessary, acquire additional land, adjoining and abutting on such cemetery by condemnation proceedings, as hereinafter provided: *Provided, however,* that no such land sought to be condemned shall be or lie within the corporate limits of any city or village.

§ 17. The cemetery association seeking to condemn land abutting and adjoining the said cemetery shall first cause to be filed in the office of the county clerk of the county where such land is situate a

petition to the judge of the county court, verified by affidavit, for leave to begin condemnation proceedings against such land sought to be condemned. Said petition shall contain a description of the cemetery, its location, as already established and in use, a statement of the number of lots sold and the number yet unsold, a description of the land sought to be acquired by condemnation, its location with regard to dwelling houses in the vicinity and state the reasons for filing the petition, and asking for condemnation proceedings.

§ 18. The cemetery association by its agent or attorney shall upon filing such petition, cause a notice in writing to be served upon the owner or owners of such land sought to be condemned for cemetery purposes, if such owners are residents of this State. Such notice shall name a day at least ten days after the service of notice when such petition shall be heard. It shall also state the court before whom the case shall be heard; the description of the ground sought to be condemned, the object for which it is to be used. In case such owner or owners can not be found or are non-residents of the State, notice may be had by publication in some newspaper of general circulation in the county, once each week for four successive weeks, or in case no such paper is published in said county, then by posting four notices in four of the most public places in said county at least four weeks prior to the day of hearing of said petition.

§ 19. The owner or owners of the land sought to be condemned under this act shall, if they see fit, file with the clerk of such county court on or before the day designated in said notice, objections to such proceedings to condemn such land verified by affidavit, and in case the objections so verified are filed within the time specified in said notice, the same shall be considered by the county judge in connection with the granting or refusal of prayer of said petition.

§ 20. It shall be the duty of the county judge to examine such petition and affidavits as soon as conveniently may be and if he considers the petition should not be granted, he shall mark it "not approved," and the right to file proceedings for condemnation shall be denied. But if the judge shall find that the best interest of all concerned will be subserved by granting such petition, he shall mark the petition "approved," and enter an order of record, in his docket directing the petitioner to file its petition not less than ten (10) nor more than sixty days from the date of such approval. Upon the order of such county judge being made, the said cemetery association petitioning, shall begin said proceedings for condemnation in said court, as aforesaid within the dates prescribed by the judge and the proceedings shall be had as in other cases of condemnation, provided by the statute.

APPROVED May 16, 1905.

## CHARITIES.

## HOMES FOR DELINQUENT CHILDREN.

§ 1. To whom act applies—definitions.

§ 2. Consent of parent or guardian required.

§ 3. Home-finding associations to keep certain records.

§ 4. Penalties.

Approved May 13, 1905.

AN ACT to regulate the surrender, placing and transfer of children.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* This act shall apply to all neglected, dependent, truant and delinquent children under the age of eighteen years. The word child or children may mean one or more children; parent or parents, one or both parents, and persons standing in the relation of parents; association, a corporation or association of persons whether incorporated or not.

§ 2. No person or association engaged in the business of caring for or placing in homes children coming within either of the classes to which this act applies, shall place in any family home such child without first having obtained the written surrender or consent from its parents or some person having the right to control the custody of such child, unless the child has been committed to such person or association by a competent court, or unless the child is placed in a home by order of court.

§ 3. Every person or association engaged in the business of caring for, or placing in homes, children coming within either of the classes to which this act applies, shall keep a book or card record in which shall be entered the name, sex and age of each child, under the care or control of such person or association, the date of the surrender or commitment of such child to his or its care; the court by which the child was committed; or the name, address and occupation of the parents or other persons, surrendering the child, and the names, ages and addresses of its brothers and sisters, as far as can be ascertained; also the names, addresses and occupations of persons with whom said child may be placed, or replaced by said person or association; also a record of visits made to such child by agents of the person or association; no entries shall be made on such record except such as pertain to the children thus dealt with.

§ 4. Whoever coming within the terms of this act shall violate any of the provisions thereof shall forfeit and pay to the People of the State of Illinois the sum of not less than twenty dollars (\$20) and not exceeding two hundred dollars (\$200), to be recovered in action of debt before a justice of the peace or any competent court, for the benefit of the school fund of the district in which recovery is had.

APPROVED May 13, 1905.



NAMES OF INSTITUTIONS CHANGED.

§ 1. Amends section 1, act of 1875.

Approved May 13, 1905.

§ 1. Names of certain institutions changed.

AN ACT to amend section one (1) of an act entitled, "An act to regulate the State charitable institutions and the State Reform School, and to improve their organization and to increase their efficiency," approved April 15, 1875, in force July 1, 1875.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section (1) of an act entitled "An act to regulate the State charitable institutions, and the State Reform School and to improve their organization and increase their efficiency," approved April 15, 1875, in force July 1, 1875, be amended to read as follows:

Section 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the State institutions hereinafter named, are hereby recognized and continued and that they hereafter be known and designated by their respective titles as expressed in this section, namely:

CHARITABLE.

The Illinois Central Hospital for the Insane, at Jacksonville.  
The Illinois Northern Hospital for the Insane, at Elgin.  
The Illinois Southern Hospital for the Insane, at Anna.  
The Illinois School for the Deaf, at Jacksonville.  
The Illinois school for the Blind, at Jacksonville.  
The Illinois Asylum for Feeble-Minded Children, at Lincoln.  
The Illinois Soldiers' Orphans' Home, at Normal.  
The Illinois Charitable Eye and Ear Infirmary, at Chicago.

APPROVED May 13, 1905.

ST. CHARLES HOME FOR BOYS—NAME CHANGED.

§ 1. Amend section 3, act of 1901.

Approved May 13, 1905.

§ 3. Name changed to St. Charles School for Boys.

AN ACT to amend section 3 of an act entitled, "An act to establish a home for delinquent boys," approved May 10, 1901, in force July 1, 1901, changing the name of said home.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 3 of "An act to establish a home for delinquent boys," approved May 10, 1901, in force July 1, 1901, be amended to read as follows:

§ 3. The name of said home shall be the St. Charles School for Boys.

APPROVED May 13, 1905.

## CITIES, TOWNS AND VILLAGES.

## CERTAIN ELECTIONS LEGALIZED.

§ 1. Informalities in certain elections remedied.

§ 2. Emergency.

Approved May 16, 1905.

AN ACT to legalize certain elections held under "An act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever any city, town or village has held an election to incorporate as a city or village under the general law, and the returns of such election have not been entered upon the records of such village, or of the county court, showing the canvass of votes and the result of such election, and the canvass of votes and the result of the election for first officials, and a certified copy of such records, filed and recorded in the office of the recorder of deeds in the county in which such city or village is situated, and filed in the office of the Secretary of State, such elections so held by any such city, town or village are hereby declared legal and valid: *Provided*, such returns of such elections are now, or shall (be made) within six months from the date when this act becomes effective, and certified copies of the same are filed and recorded as required by section 13 of said act as amended, to which this act refers, within said six months, and all elections of officers and organization of any cities and villages in this State under and by virtue of any such elections, if otherwise according to law are hereby legalized and made effective, and all the acts of said cities and villages are hereby legalized and made effective, and all the acts of any such cities or villages, if otherwise legal, are also hereby made legal and binding; and upon the filing and recording as aforesaid, the Secretary of State shall charter said city or village by his certificate duly authenticated under his hand and the great seal of the State.

§ 2. WHEREAS, The records of several of the cities and villages in this State are deficient in the particular set forth in section 1 of this act, and such cities and villages, are without charter and warrant of law to do business, therefore an emergency exists, and this act shall be in force from and after its passage.

APPROVED May 16, 1905.

## CIVIL SERVICE IN COOK COUNTY.

§ 1. Appointment of physicians and nurses for care of sick and insane.	Approved May 16, 1905.
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AN ACT concerning the classified civil service of the county of Cook.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* The appointment, employment and removal by the board of commissioners of Cook county, of all physicians and surgeons and nurses for the care and treatment of the sick, poor and insane of said county shall be made only in conformity to the provisions of section 61 of an act entitled, "An act to revise the law in relation to counties." Approved March 31, 1874, as amended by an act approved June 14, 1887, and as amended by an act of June 26, 1895, enforced [in force] July 1, 1895. The Board of Commissioners of Cook county may provide that such physicians and surgeons be apportioned among the recognized schools of medicine in such proportion as said board may from time to time determine, and may contract with any recognized training school for the nursing of any or all of such insane or sick: *Provided, however,* that all such physicians and surgeons who serve without compensation shall be appointed only for a term of six years, and that the physicians and surgeons usually designated and known as internes shall be appointed only for a term of eighteen months: *And, provided,* that there may also, at the discretion of the board, be a consulting staff of physicians and surgeons, which staff may be appointed by the president, subject to the approval of the board.

APPROVED May 16, 1905.

## CONSTRUCTION OF SIDEWALKS.

§ 1. Revises act of 1875.	§ 2. Emergency.
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§ 1. Special taxation of lots—one ordinance may include several walks.

§ 2. What ordinance shall contain.

§ 3. Neglect of owner to construct.

§ 4. Special tax—duty of officer.

§ 5. Judgments against lots—laws governing.

§ 6. Construction by owner.

§ 7. Letting of contracts.

§ 8. Vacation of tax.

Filed May 18, 1905.

AN ACT entitled, "An act to amend sections 1, 2, 3, 4, 5 and 6 of an act to provide additional means for the construction of sidewalks in cities, towns and villages," approved April 15, 1875, in force July 1, 1875, and to add two new sections thereto to be known as sections 7 and 8.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections 1, 2, 3, 4, 5, and 6 of an act to provide additional means for the construction of

sidewalks in cities, towns and villages, approved April 15, 1875, be amended so as to read as follows, and that two new sections be added thereto to be known as sections 7 and 8.

Section 1. That in addition to the mode now authorized by law, any city or incorporated town or village may by ordinance, provide for the construction of sidewalks therein, on, along or upon any street or streets or part of street therein, and may, by such ordinance provide for the payment of the whole or any part of the cost thereof by special taxation of the lot, lots or parcels of land touching upon the line where any such sidewalk or sidewalks shall be ordered and such special taxation may be either by levying the whole or any part of the cost thereof upon each of the lots or parcels of land touching upon the line of such sidewalk, *pro rata* upon each of said lots or parcels, according to their respective values—the values to be determined by the last preceding assessment thereof for the purpose of State and county taxation; or the whole or any part of the cost thereof may be levied upon such lots or parcels of land in proportion to their frontage upon such sidewalk or sidewalks, or in proportion to their superficial area, as may be provided by ordinance ordering the laying down of such sidewalk; and in case such ordinance shall only require the payment of a part of the cost of such sidewalk to be paid by a special tax as aforesaid, then the residue of such cost shall be paid out of any fund of such city, town or village, raised by general taxation upon the property thereof and not otherwise appropriated. And any such city, town or village may by one and in the same ordinance provide for the construction of sidewalks hereunder on two or more streets, or parts of streets, or on one or both sides of any street or streets: *Provided*, that such sidewalks are so connected, or otherwise related, as to constitute but a single system of improvement.

§ 2. Said ordinance shall define the location of such proposed sidewalks with reasonable certainty, shall prescribe its width, the materials of which it shall be constructed and the manner of its construction, and may provide that the materials and construction shall be under the supervision of and subject to the approval of some officer or board of officers of such city, town or village to be designated in said ordinance. Said ordinance may require all owners of lots or parcels of land touching the line of said proposed sidewalk to construct a sidewalk in front of their respective lots or parcels of land in accordance with the specifications of said ordinance, within thirty days after the mailing of notice of the passage of such ordinance, addressed to the party who paid the last general taxes on the respective lots or parcels; and in default thereof, said city, village or town may furnish the materials and construct said sidewalk in accordance with said ordinance, or may enter into a contract for the furnishing of said materials and the construction of said sidewalk as hereinafter provided; and the cost of such part thereof as may be fixed in said ordinance may be collected as hereinafter provided; and it shall be



lawful for such city, town or village to issue noninterest bearing vouchers in payment for such walks, payable solely out of the special tax herein provided for when the same is collected.

§ 3. Such ordinance may provide that a bill of the cost of such sidewalk, showing the cost of the construction and supervision thereof, shall be made by the officer or board designated by said ordinance to take charge of the construction of said sidewalk, together with a list of the lots or parcels of land touching upon the line of said sidewalks, the names of the parties who paid the last general taxes on the respective lots or parcels, and the frontage, superficial area or assessed value as aforesaid according as such ordinance may provide for the levy of said costs by the frontage, superficial area or assessed value; and thereupon if the owner of any lot, block, tract or parcel of land has failed, neglected or refused to construct said sidewalk in accordance with the provisions of said ordinance, said officer or board shall proceed to prepare a special tax list against said lots, blocks, tracts or parcels of land in front of or touching upon which said sidewalk has not been constructed, ascertaining, by computation the amount of special taxes to be charged against each of said lots, blocks, tracts or parcels of land on account of the construction of said sidewalks, according to the rule fixed for the levy of such special tax by said ordinance, which special tax list shall be filed in the office of said officer or board, and said officer or board shall thereupon issue warrants directed to the city, village or town collector, or to such officer as may be designated in such ordinance, for the collection of the amount of special tax so ascertained and appearing from said special tax list to be due from the respective lots, blocks, tracts or parcels of land touching upon the line of said sidewalk; and such officer shall proceed to collect such warrants by giving notice in writing by mailing same to the address of the party who paid the last general taxes on the respective lots, blocks, tracts or parcels of land in said list, that said tax list is in the hands of said officer for collection, and all moneys so collected by said officer shall by him be immediately paid over to the treasurer of said city, town or village.

§ 4. Upon failure to collect such special tax as heretofore provided in this act, it shall be the duty of said officer, on or before the first day of April in each year, to make \*[writing by mailing same to the address of the party who paid the last general taxes on the respective lots, blocks, tracts or parcels of land in said list, that said tax list is in the hands of said officer for collection, and all moneys so collected by said officer shall by him be immediately paid over to the treasurer of said city, town or village.

Section 4. Special Tax; Duty of Officer or Board—Report. Upon failure to collect such special tax as heretofore provided in this act, it shall be the duty of said officer, on or before the first day of April in

\* The lines following the asterisk and included in brackets constitute a manuscript page of the enrolled law as filed in this office. This bracketed matter apparently forms no part of the law as passed by the General Assembly, but seems to be a stray leaf of the engrossed bill inadvertently bound in with the enrolled law.

each year, to make] report of all such special tax, in writing, to such general officer of the county as may be authorized by law to apply for judgment against, and sell lands for taxes due county or State, of all the lots or parcels of land upon which such special tax shall be so unpaid, with the names of the respective owners thereof, so far as the same are known to said officer, and the amount due and unpaid upon each tract, together with a copy of the ordinance ordering the construction of said sidewalk, which report shall be accompanied by the oath of the officer that the list is a correct return of the lots and parcels of land on which the special tax levied by authority of said city, town or village, for the cost or partial cost (as the case may be) of the sidewalk in said ordinance specified, remains due and unpaid, and that the amounts therein stated as due and unpaid have not been collected, nor any part thereof. Said reports, when so made, shall be *prima facie* evidence that all the forms and requirements of the law in relation to making such return have been complied with, and that the special tax, as mentioned in said report, is due and unpaid.

§ 5. When said general officer shall receive the aforesaid report, he shall at once proceed to obtain judgment against said lots or parcels of land for said special tax remaining due and unpaid, in the same manner as may be provided by law for obtaining judgment against lands for taxes due and unpaid to the county and State, and shall in the same manner proceed to sell the same for the said special tax due and unpaid. In obtaining said judgment, and making said sale, the said officer shall be governed by the general revenue laws of the State, except when otherwise provided herein, and said general laws shall also be applicable to the execution of certificates of sale, and deeds therein, and the force and effect of such sales and deeds; and all other laws in relation to the enforcement and collection of tax, and redemption from tax sales, shall be applicable to proceedings to collect such special tax, except as herein otherwise provided.

§ 6. Whenever payment of the costs of any such sidewalk is required to be made in part by special tax, and in part out of any general fund of such city, town or village, and the owner of any such lot or parcel of land shall construct such sidewalk in accordance with the ordinance providing for its construction, the officer or board directed by such ordinance to superintend the construction thereof shall thereupon allow and cause to be issued to such owner, an order on the treasurer of such city, town or village for the cost of the construction of such sidewalk, less the amount of special tax chargeable to the lot or parcel of land of such owner on the line of which such [sidewalk] sidewalks has been so constructed.

§ 2. WHEREAS, A great number of improvements are being delayed on account of the hardships inflicted upon property owners under the present statutes, therefor[e], an emergency exists, and this act shall take effect from and after its passage.

§ 7. All contracts for the construction of sidewalks as hereinbefore provided, when the expense thereof shall exceed five hundred (500) dollars, shall be let to the lowest responsible bidder in the following manner: Notice shall be given by said officer or board designated in said ordinance, to take charge of the construction and supervision of said sidewalk, by advertisement in some newspaper of general circulation in said city, village or town, that bids will be received for the construction of such sidewalk in accordance with the ordinance therefor. Such notice shall state the time of opening said bids, not more than ten (10) nor less than five (5) days thereafter. If no newspaper be published in said city, village or town, then four such notices shall be posted in the vicinity of the proposed sidewalk. All proposals or bids offered shall be accompanied by cash or a check payable to the order of the officer or board having charge of the improvement, and certified by a responsible bank, for an amount which shall not be less than ten (10) per centum of the aggregate of the proposal. All contracts shall be approved by the officer or the president or presiding officer of the board having the supervision of the construction of said sidewalk.

§ 8. If any special tax for the construction of a sidewalk shall be annulled by the city council or board of trustees, or set aside by any court, after this act shall take effect, a new ordinance may be passed and a new tax may be made and returned, and the proceedings therefor shall be the same as in the first instance, and all parties in interest shall have like rights and like power in relation to any subsequent tax as are hereby given in relation to the first tax. No special tax shall be held void because levied for work already done under a prior ordinance, if it shall appear that such work was done after this act takes effect, in good faith by the city, village or town, or under contract duly let and executed pursuant to an ordinance providing that such sidewalk should be paid for by special tax.

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This bill having remained with the Governor for a period of ten days (Sundays excepted) after the adjournment of the General Assembly, and he not having filed it with his objections thereto in the office of the Secretary of State, it becomes a law in like manner as if he had signed it.

Witness my hand this 18th day of May, A. D., 1905.

JAMES A. ROSE,  
*Secretary of State.*

## CONSTRUCTION OF WATER WORKS.

§ 1. Amends several sections, act of 1899.

§ 1. Tax levy for bridges of water works.

§ 2. Ordinance for contract.

§ 3. Submission to vote—form of ballot.

§ 4. Powers of city council and town boards.

§ 6. Bonds—maturity — installment—interest.

§ 7. Bonds—form prescribed.

§ 2. Title of act amended.

Approved May 18, 1905.

AN ACT to amend the title and sections one (1), two (2), three (3), four (4), six (6) and seven (7) of an act entitled, "An act to enable cities and villages to buy or construct waterworks, and to provide for the management thereof, and giving them authority to levy an annual tax, and to pledge the same in payment therefor," approved April 19, 1899, in force July 1, 1899.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the title and sections one (1), two (2), three (3), four (4), six (6) and seven (7) of an act entitled, "An act to enable cities and villages to buy or construct water works, and to provide for the management thereof, and giving them authority to levy an annual tax, and to pledge the same in payment therefor," approved April 19, 1899, in force July 1, 1899, be amended to read as follows:

Section 1. That cities and villages shall have the power to levy, in addition to the taxes now authorized by law, a direct annual tax of not more than one cent on the dollar upon all the property within the corporate limits of the city or village, said tax to be payable yearly for a period of not more than thirty years; the proceeds of said tax to be used solely for the purchase, construction or enlarging of water works.

§ 2. Whenever any city or village desires to avail itself of the provisions of this act, the city council or the board of trustees, as the case may be, may by ordinance or resolution contract for the purchase, erection or enlarging of water works for a provisionally certain fixed sum, or may so contract for purchase, extension or enlarging if the plant proposed to be purchased shall be inadequate, and such contract for erection, purchase or enlarging, together with a report from the city or village engineer recommending the same, shall be published at least once a week for three consecutive weeks in a daily or weekly newspaper published in said city or village, and shall at the same time provide by resolution or ordinance for the levying of a direct annual tax as authorized in section 1 of this act, the total of which said tax for the term levied, together with the annual revenue which is estimated to be derived from the works, shall be sufficient to pay the contract price for the works, together with interest on same, but such contract for purchase, erection or enlarging, and such tax, shall not be valid or binding until confirmed by vote, as follows:



§ 3. Such contract and tax, after action by the council or trustees aforesaid, shall, before they shall be valid and binding, be submitted for ratification to the voters of the city or village at a regular or special election by giving notice of same, which notice shall specify the character of the said works proposed to be erected, purchased or enlarged and the amount of tax to be levied, and said notice shall be posted in ten public places within such city or village at least three weeks prior to said election, and also by publication three times in a daily or weekly newspaper published in said city or village, and for three weeks preceding such election there shall be on file in some public place, convenient of access, a full description of works, copy of contract and report of engineer, for the inspection of the voters, and notice of where said plans and specifications are on file shall be included in the notice of election. If three-fourths of all the voters voting on said proposition shall vote in favor of said contract, and tax, the same shall be binding and the tax duly levied. The ballots at such election shall read:

"Proposition to construct, purchase or enlarge (or all) water works and levy a tax of ..... annually for ..... years."	Yes.	
	No.	

§ 4. The city council in cities and the board of trustees in villages shall have the power to carry into execution the contract for the erection, purchase or enlarging of water works when ratified by the voters, as directed in section 3, and employ a superintendent and such other employes as may be necessary and proper for the operation of such works, for the collection of water rentals and for the conduct of the business necessary to the operation thereof.

§ 6. The said bonds shall be made to mature in as nearly as possible equal installments of one hundred dollars, or multiples thereof, the first installment to be payable one or two years from date, the last installment within one year after date of the last tax levy provided in the vote authorizing said levy. The bonds shall bear interest at a rate not to exceed six per cent, payable annually or semi-annually, shall be sold for not less than par, or may be paid out at not less than par for the construction, purchase or enlarging of said works.

§ 7. Said bonds shall be substantially in the following form:

The city or village of..... county of..... State of Illinois, for value received hereby promises to pay the bearer..... hundred dollars lawful money of the United States of America, on the..... day of..... A. D. ...., together with interest thereon at the rate of .... per centum per annum, payable annually on the.... day of..... A. D.... Both principal and interest payable at the.....

This bond is one of a series of bonds amounting to..... dollars, issued by ordinance of the city (or village) of..... and is

payable solely out of funds derived from special tax levy and net revenue of the water works of the city (or village) of.....; the erection, purchase or enlarging of said works and levy of said tax having been authorized at an election legally called and held on the .....day of....., A. D...., and out of no other funds. And it is hereby recited that all acts, conditions and things precedent to and in the issuance of this bond have been properly done, happened and performed in regular and due form as required by law.

In testimony whereof the city council (or board of trustees) has caused this bond to be signed by the mayor (or president) and countersigned by the clerk, and caused the seal of the city (or village) to be affixed this.....day of.....A. D....

.....Mayor.

.....Clerk.

Coupons representing the interest shall be attached thereto, which may be signed or bear the lithographed signature of the clerk of said city or village.

§ 2. The title of the act shall be amended to read as follows: An act to enable cities and villages to buy, construct or enlarge water works, and to provide for the management thereof, and giving them authority to levy an annual tax and to pledge the same in payment therefor.

APPROVED May 18, 1905.

#### EMPLOYEES' PENSION FUND.

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| § 1. Authorizes creation of pension fund—how created.  | § 9. Death of contributor—payment to widow or minor children. |
| § 2. Term "employé" defined.                           | § 10. Retirement for disability.                              |
| § 3. Treasurer custodian of fund.                      | § 11. Dismissals and resignations.                            |
| § 4. Trustees of fund—election—powers and duties.      | § 12. Monthly reports to treasurer.                           |
| § 5. Mayor and comptroller, <i>ex officio</i> trustee. | § 13. Pension fund exempt from attachment.                    |
| § 6. Forfeiture of trusteeship.                        | § 14. Repeal.   |
| § 7. Duties of trustee enumerated.                     | Approved May 16, 1905.  |
| § 8. Who may become beneficiaries.                     |   |

AN ACT to provide for the formation and disbursement of a municipal employees' pension fund in cities having a population exceeding one hundred thousand inhabitants.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the board of aldermen in cities having a population exceeding one hundred thousand inhabitants shall have power and it shall be its duty to create a municipal employés' pension fund, which shall consist of amounts retained from the salaries or wages of employés, as hereinafter provided, which amounts shall be deducted in equal weekly, bi-weekly or monthly in-

stallments from such salaries or wages at the regular time or times of the payment thereof and all moneys derived from any and all other sources whatever.

§ 2. The term "employé" under this act shall include all employés in the water works and water departments of such city receiving \$65 per month or over. The comptroller shall deduct the amount specified by the board of trustees hereinafter provided for from the salaries or wages paid by the said city of each and every employé coming under the provisions of this act: *And, provided, further,* that no deduction shall be made from the salary or wages of any employé receiving less than \$65 per month, nor shall any one who receives a salary or wages of less than \$65 per month participate in said fund.

§ 3. The city treasurer, subject to the control and direction of the said board of trustees, shall be the custodian of said pension fund and shall secure and safely keep the same and shall keep books and accounts concerning said fund in such manner as may be prescribed by the said board of trustees, which said books and accounts shall always be subject to the inspection of said board of trustees or any member thereof. The city treasurer shall, within ten days after his installation into office, execute a bond to the said city with good and sufficient sureties in such penal sum as the said board of trustees shall direct, which said bond shall be approved by the said board of trustees, and shall be conditioned for the faithful performance of the duties of said office and that he will safely keep and well and truly account for all moneys and property belonging to said pension fund and all interest thereon, which may come into his hands as such treasurer, and that upon the expiration of his term of office or upon his retirement therefrom for any cause, he will surrender and deliver over to his successor all unexpended moneys, with such interest as he may have received thereon, and all property which may have come into his hands as treasurer of said pension fund. Such bond shall be filed in the office of the clerk of said city and in case of a breach of the same or the conditions thereof, suit may be brought on the same in the name of the said city, for the use of said board of trustees, or any person or persons injured by such breach.

§ 4. The board of aldermen shall, in the month of September following the passage of this act, arrange for the election of a board of trustees of said pension fund, composed of six members to be chosen as hereinafter provided, which election shall be held not later than October 30th of the same year. Said board of trustees shall have power, and it shall be its duty, to administer said fund and to carry out the provisions of this act, and for the purpose of enabling such board of trustees to perform the duties imposed and exercise the powers granted by this act the board of trustees shall be, and is hereby declared to be, a body politic and corporate.

§ 5. The said board of trustees shall consist of the mayor and comptroller of the said city and four (4) employés contributing to said pension fund. The mayor and comptroller of the said city shall

be *ex-officio* members of said board of trustees, and the other members shall be elected by ballot by the employés contributing to said fund at the time, and for the terms respectively as follows, to-wit: At the first election the contributors to said fund shall elect two of their number to serve for the term of one year, and two to serve for the term of two years, and annually thereafter said contributors shall elect two of their number to hold office for the term of two years.

§ 6. Whenever any elective member of the board of trustees shall cease to be in the employ of said city, his or her membership in said board of trustees shall cease.

§ 7. Said board of trustees shall have power and it shall be its duty

(1.) To determine the amount which shall be deducted from the salaries or wages paid to employés for the benefit of said pension fund: *Provided*, the amount of such deduction shall not be less than one per cent nor more than two per cent of the entire amount received per year by each such employé.

(2.) To make all payments from such pension fund, pursuant to the provisions of this act.

(3.) To audit the accounts of said treasurer at least four times each year.

(4.) To direct the payment of all necessary expenses in connection with the administration of said fund and carry out the provisions of this act for which provision is not otherwise made.

(5.) To determine the amount to be paid as benefits or annuities under this act: *Provided*, that no benefit or annuity shall exceed fifty (50) per cent of the salary or wages received by said beneficiary at the time of his or her retirement.

(6.) To take by gift, grant or bequest, or otherwise, any money or property of any kind, and hold the same for the benefit of said fund.

(7.) To fill any vacancy or vacancies in said board of trustees until the next annual election, as hereinbefore provided.

(8.) To keep full and complete record of their meetings and of the receipts and disbursements on account of such fund, and also complete lists of all contributors to said fund and of all annuitants receiving benefits therefrom, and such other records as in their judgment shall seem necessary, and shall make and publish annually a full and complete statement of their financial transactions.

(9.) To make and establish all such rules for the transaction of their business, and such other rules, regulations and laws as may be necessary for the proper administration of said fund committed to their charge and the performance of the duties imposed upon them.

(10.) To hear and determine all applications for benefits under this act, and to suspend any annuity whenever, in their judgment, the disability of such beneficiary has ceased, or for other good cause.



§ 8. Any contributor to said fund who shall have attained the age of fifty (50) years and shall have been in the service of the water works or water departments of said city for a period of twenty (20) years, and shall have contributed to the said fund for the period of ten (10) years, shall have the right to retire and become a beneficiary under this act, and to receive such benefit or annuity from said fund proportionate to the amount of the contributions of such employé, and in case of death, the widow or minor children of the deceased pensioner shall receive one-half ( $\frac{1}{2}$ ) of the amount in monthly payments of the pension allowed to their husband or father during life, which said amount shall be paid said widow as long as she remains unmarried, and in case there is no widow, to said minor children until they reach the age of 18 years. The said beneficiary shall, at all times during his or her retirement, receive monthly fifty (50) per cent of the monthly salary or wages received by him or her from said municipality at the time of his or her retirement.

§ 9. Upon the death of any contributor who is not, nor has been, a beneficiary under this act for more than three years, the said board of trustees shall pay an amount not exceeding \$300 to the widow, if any, of such deceased contributor, and if there be no widow, said board of trustees may expend said amount for the benefit of the minor children, if any, of such deceased contributor. If there be no one to look after the body of such deceased contributor, in the event of the death of said contributor, said board of trustees may expend said amount of \$300 for his or her burial expenses, as they may determine.

§ 10. Any person who has contributed to said fund for a period of five (5) years or more may retire from the service of said city on account of serious disability, rendering him or her unable to properly discharge his or her duties, and may become an annuitant under this act, and shall thereupon be entitled to receive benefits for a period of two (2) years, which may be extended upon proof of continued disability.

§ 11. Any employé who has been contributing to said fund for five (5) years or more, and who shall be dismissed or resign from the service of said municipality, may upon application made within three (3) months after the date of such dismissal or resignation, receive one-half of the total amount paid into said fund by such person so dismissed or resigned: *Provided*, that in case said person so dismissed or resigned shall have been in the service of the water works and water departments of said municipality for a period of twelve (12) years, he may continue the payment of his premiums, until eligible to a benefit under this act.

§ 12. The mayor and comptroller of said city shall certify monthly to the treasurer all amounts deducted in accordance with the provisions of this act from the salaries paid by the said city, which amounts, as well as all other sums contributed to said fund under the provisions of this act, shall be set apart and held by said treasurer for the purpose hereinbefore specified, subject to the order of said board of trustees, and shall be paid out upon warrants signed by the president and secretary of said board of trustees.

§ 13. No portion of said pension fund shall, either before or after its order of distribution by said board to such disabled members of said water department, or the widow or guardian of such minor child or children, or a deceased or retired member of such department, be held, seized, taken, subjected to or detained or levied on by virtue of any attachment, execution, injunction, writ, interlocutory or other order or decree, or any process or proceeding whatever issued out of or by any court of this State for the payment or satisfaction, in whole or in part, of any debt, damage, claim, demand or judgment against such member, or his said widow, or the guardian of said minor child or children of any deceased member; but the said fund shall be sacredly held, kept, secured and distributed for the purpose of pensioning the persons named in this act, and for no other purpose whatever.

§ 14. All laws and parts of laws which are inconsistent with this act, or any provisions thereof, are hereby repealed.

APPROVED May 16, 1905.

#### FIREMEN'S PENSION FUND.

§ 1. Amends section 1, act of 1895.

Approved May 12, 1905.

§ 1. Foreign fire companies to pay annual license fee—fee to be fixed by ordinance—July reports.

*AN ACT to amend section one of an act entitled, "An act to enable cities, towns and villages organized under any general or special law to levy and collect a tax or license fee from foreign fire insurance companies for the benefit of organized fire departments," in force July 1, 1895, as amended April 24, 1901.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section one (1) of an act entitled, "An act to enable cities, towns and villages organized under any general or special law to levy and collect a tax or license fee from foreign insurance companies for the benefit of organized fire departments," in force July 1, 1895, as amended April 24, 1901, be, and the same is hereby amended to read as follows:

Section 1. All corporations, companies and associations not incorporated under the laws of this State, and which are engaged in any city, town or village organized under any general or special law of this State in effecting fire insurance, shall pay to the treasurer of the city, town or village for maintenance, use and benefit of the fire department thereof, a sum not exceeding two (2) per cent of the gross receipts received by their agency in such city, town or village, *fifty (50) per cent* of the amount so collected to be set apart and appropriated to the fund for the pensioning of disabled and superannuated members of the fire department, and of the widows and orphans of deceased members of the fire department of cities, villages or incorporated towns whose population exceeds fifty thousand (50,000) and having a paid fire department. Cities, towns

and villages are hereby empowered to prescribe by ordinances the amount of tax or license fee to be fixed, not in excess of the above rate, and at that rate such corporations, companies and associations shall pay upon the amount of all premiums, which during the year ending on every first day of July shall have been received for any insurance effected or agreed to be effected in the city, town or village, by or with such corporation, companies or association respectively. Every person who shall act in any city, town or village as agent or otherwise, for or on behalf of such corporation, company or association shall, on or before the 15th day of July of each and every year, render to the city, town or village clerk a full, true and just account, verified by his oath, of all the premiums which, during the year ending on every first day of July preceding such report, shall have been received by him, or any other person for him in behalf of any such corporation, company or association, and shall specify in said report the amounts received for fire insurance. Such agent shall also pay to the treasurer of any such city, town or village, at the time of rendering the aforesaid report, the amount of rates fixed by the ordinance of the said cities, towns or villages, for which the companies, corporations or associations represented by them are severally chargeable by virtue of this act, and the ordinance passed in pursuance thereof. If such account be not rendered on or before the day herein designated for that purpose, or if the said rates shall remain unpaid after that day, it shall be unlawful for any corporation, company or association so in default to transact any business or insurance in any such city, town or village until the said requisition shall have been fully complied with; but this provision shall not relieve any company, corporation or association from the payment of any risk that may be taken in violation hereof.

APPROVED May 12, 1905.

#### LOCAL IMPROVEMENTS—ORDINANCES.

§ 1. Amends section 4, act of 1897.

Filed May 18, 1905.

§ 4. What ordinance shall specify.

AN ACT to amend section 4 of an act entitled, "An act concerning local improvements," approved June 14, 1897, and as amended by an act of the General Assembly of the State of Illinois approved April 19, 1899, and in force July 1, 1899.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 4 of "An act concerning local improvements," approved June 14, 1897, in force July 1, 1897, and as amended by "An act to amend section 4 of an act entitled, 'An act concerning local improvements,' approved June 14, 1897, in force July 1, 1897," approved April 19, 1899, and in force July 1, 1899, be and the same is hereby amended so as to read as follows:

§ 4. When any such city, town or village shall by ordinance provide for the making of any local improvement, it shall by the same ordinance prescribe whether the same shall be made by special assessment or by special taxation of contiguous property or general taxation, or both.

This bill having remained with the Governor for the period of ten days (Sundays excepted) after the adjournment of the General Assembly, and he not having filed it with his objections thereto in the office of the Secretary of State, it becomes a law in like manner as if he had signed it.

Witness my hand this 18th day of May, A. D. 1905.

JAMES A. ROSE,  
*Secretary of State.*

#### LOCAL IMPROVEMENTS—PETITION FOR ASSESSMENT.

§ 1. Amends section 37, act of 1897.

§ 2. Emergency.

§ 37. Petition for assessment—jurisdiction of courts.

Approved April 13, 1905.

AN ACT to amend section 37 of an act entitled, "An act concerning local improvements," approved June 14, 1897, in force July 1, 1897.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 37 of an act entitled, "An act concerning local improvements," approved June 14, 1897, in force July 1, 1897, be and the same is hereby amended so as to read as follows:

§ 37. Upon the passage of any ordinance for a local improvement pursuant thereto, it shall be the duty of the officer specified therein to file a petition in some court of record in said county, in the name of such municipality, praying that steps be taken to levy a special assessment for the said improvement in accordance with the provision of the said ordinance. The several circuit, county and city courts of this State and the Superior Court of Cook county shall have jurisdiction of any proceedings under this act. There shall be attached to or filed with such petition, a copy of the said ordinance, certified by the clerk under the corporate seal. Also a copy of the recommendation of the board of local improvements and of the estimate cost as approved by the legislative body. The failure to file any or either of said copies shall not effect the jurisdiction of the court to proceed in said cause and to act upon said petition, but if it shall appear in any such cause that such copies have not been attached to or filed with said petition before the filing of the assessment roll therein, then, upon motion of any objector for that purpose on or before appearance day in said cause the entire petition and proceedings shall be dismissed, provided that city courts shall have jurisdiction only within their respective territorial jurisdiction. All proceedings had and all decrees, judgments and orders heretofore entered in any city court in this State, concerning special assessments or special taxes concerning local improvements within the territorial jurisdiction of said city court shall be held good and valid as if done and performed under this act.



§ 2. WHEREAS, An emergency exists, therefore this act shall take effect and be in force from and after its passage and its approval by the Governor.

APPROVED April 13, 1905.

LOCAL IMPROVEMENTS—SUPPLEMENTAL ASSESSMENTS.

§ 1. Amends section 59, act of 1897.

Approved May 18, 1905.

§ 59. Supplemental assessments provided for—refunding surplus.

AN ACT to amend section 59 of an act entitled, "An act concerning local improvements," approved June 14, 1897, in force July 1, 1897, as amended by an act passed May 9, 1901.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 59 of an act entitled "An act concerning local improvements," approved June 14, 1897, in force July 1, 1897, as amended by an act passed May 9, 1901, be amended to read as follows:

§ 59. At any time after bids have been received pursuant to the provisions of this act, if it shall appear to the satisfaction of the Board of Local Improvements that the first assessment is insufficient to pay the contract price or the bonds or vouchers issued or to be issued in payment of such contract price, together with the amount required to pay the accruing interest thereon, said board shall make and file an estimate of the amount of such deficiency, and thereupon a second or supplemental assessment for such estimated deficiency of the cost of the work and interest may be made in the same manner as nearly as may be as in the first assessment, and so on until sufficient money shall have been realized to pay for such improvement and such interest. It shall be no objection to such assessment that the prior assessment has been levied, adjudicated and collected unless it shall appear that in such prior cause upon proper issue made, it was specially found in terms, that the property objected for would be benefitted by said improvement no more than the amount assessed against it in such prior proceedings. If too large a sum shall at any time be raised, the excess shall be refunded ratably to those against whom the assessment was made: *Provided, however,* the petitioner, in case it so elects, may dismiss the petition and vacate the judgment of confirmation either at or after the term at which the judgment of confirmation is rendered, and begin new proceedings for the same or a different improvement as provided in section 56 of this act as amended: *Provided, further,* that if said estimated deficiency shall exceed ten per centum of the original estimate, then a public hearing shall be had on said supplemental proceeding in like manner as in the original proceedings: *And, provided, further,* that no more than one (1) supplemental assessment shall be levied to meet any deficiency where said deficiency is caused by the original estimate made by the engineer, being insufficient.

APPROVED May 18, 1905.

## MAINTENANCE OF PUMPING WORKS, ETC.

§ 1. Amends section 2 and 3, act of 1885.

§ 2. Municipal authorities may construct drains, ditches, etc.

§ 3. Ordinances to conform to act concerning improvements.

§ 4. Enlargement and improvement of drains.

Approved May 18, 1905.

AN ACT to amend sections 2 and 3 of an act entitled, "*An act to vest the corporate authorities of cities and villages with power to construct, maintain and keep in repair drains, ditches, levees, dykes, and pumping works for drainage purposes by special assessment upon the property benefited thereby*," approved June 22, 1885, in force July 1, 1885, and to add another section to said act to be known as section 4 thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly: That sections 2 and 3 of an act entitled, "An act to vest the corporate authorities of cities and villages with power to construct, maintain and keep in repair drains, ditches, levees, dykes and pumping works for drainage purposes by special assessment upon the property benefited thereby," approved June 22, 1885, in force July 1, 1885, be amended, and that an additional section to be known as section 4 be and the same is hereby added, so as to read as follows:*

§ 2. That the corporate authorities of cities and villages are hereby vested with the power to lay out, establish, construct and maintain and keep in repair such drains, ditches, levees, dykes, pumping works and machinery and such drainage improvements by special assessment upon the property benefit [benefited] thereby, or by general taxation, or both: *Provided*, that no lot, block, tract or parcel of land shall be assessed more than once in any one year for maintenance and repair.

§ 3. The corporate authorities of any city or village shall have power of their own motion, to pass ordinances providing for the making of said improvements in this act mentioned, and for the nature, character and locality and description thereof, and upon the passage of such ordinance therefor all proceedings thereafter to be had for the making of said improvements, and for the maintenance and repair thereof, and for the levy and collection of special assessments to defray the cost thereof, shall be in accordance with the provisions of an act entitled, "*An act concerning local improvements*," approved June 14, 1897, in force July 1, 1897, and the amendments thereto.

§ 4. That whenever, in the judgment of the corporate authorities of said city or village, it shall be necessary or advantageous for the proper construction of said improvements to enlarge, construct or improve any natural or artificial drain without and below the corporate limits of said corporation to obtain a proper outlet, the said corporate authorities shall have the right to acquire the right of way therefor under the provisions of the statutes relating to the exercise of the right of eminent domain, and upon the establishment of the said improvement by the confirmation of the assessment therefor, the said

corporate authorities shall have the right to contract with all persons or corporations owning or interested in property or drains, without the corporate limits of said city or village, who will be benefited by the construction of the said improvement, for the payment to the said city or village of such an amount as the said improvement will benefit such person or corporation of the property thereof, and in case of a failure to agree on the amount to be paid for such benefits the said corporate authorities of such city or village shall have the right to sue for and recover the same in an action of debt in any court of competent jurisdiction in this State, and service of process therein may be had as in cases in chancery. The amounts recovered or realized by such agreement or proceedings shall be paid over and become a part of the moneys raised to pay for such improvements, and may be rebated or refunded in accordance with the provisions of section 59 of said act concerning local improvements, and the amendments thereto.

APPROVED May 18, 1905.

#### MUNICIPAL OFFICERS OF CHICAGO.

§ 1. Adds article 12 to act of 1872.

##### ARTICLE XII.

###### PART ONE.

- § 1. Adoption of act.
- § 2. Ordinance for submission to vote.
- § 3. Notice of election.
- § 4. Form of ballot.

###### PART TWO.

- § 1. Mayor—term of office.
- § 2. Mayor—release of prisoners.
- § 3. Compensation of municipal officers—no fees allowed—chairman of finance committee—additional compensation.
- § 4. Interest on municipal funds.
- § 5. Loaning of municipal funds—duties of comptroller—responsibility of treasurer.

§ 6. Official bonds—amount and penalty—additional bonds.

§ 7. Corporation counsel—duties prescribed.

###### PART THREE.

- § 1. City council—powers and duties
- § 2. Members of council not to hold other offices.
- § 3. Mayor's veto.
- § 4. Veto continued.
- § 5. Space over streets and alleys controlled by council.
- § 6. Parks and pleasure grounds.
- § 7. Eminent Domain.
- § 8. Abatement of nuisance.

Approved May 18, 1905.

AN ACT to amend an act entitled, "An act to provide for the incorporation of cities and villages," approved April 10, 1872, as amended by subsequent acts.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly as follows:* That the act entitled "An act to provide for the incorporation of cities and villages," approved April 10, 1872, as amended by subsequent acts, be and the same hereby is amended by adding thereto an article, to be known as Article XII, in the words and figures following:

## ARTICLE XII.

## PART ONE.

*Concerning the Adoption of This Act.*

SECTION 1. The city of Chicago upon the adoption of this act in the manner hereinafter stated, shall have, in addition to those contained in the act above referred to by its title, all the rights, powers and privileges and be subject to all the duties and obligations hereinafter stated. The provisions of said act above referred to by its title shall continue to apply to said city and be in full force and effect, so far as not inconsistent with the provisions hereof, but so far as the same are inconsistent with the provisions hereof, the provisions of this act, after such adoption, shall supersede such provisions of said act above referred to by its title, and such provisions of said act shall no longer be applicable to the city of Chicago.

§ 2. This act shall not be in force in the city of Chicago until the question of its adoption shall first have been submitted to the electors of such city and approved by a majority of those voting thereon. The city council of the city of Chicago may, by ordinance, direct that the question of the adoption of this act by the city of Chicago be submitted to popular vote at any general, city or special election in and for the entire city, coming not sooner than thirty days from and after the passage of such ordinance. The city clerk of the city of Chicago shall promptly certify the passage of such ordinance to the proper election officials, and it shall thereupon be the duty of such election officials to submit the question of the adoption of this act by the city of Chicago to popular vote.

§ 3. The city clerk of the city of Chicago shall also give at least thirty days' notice of such election, by publishing a notice thereof in one or more newspapers of general circulation within such city.

§ 4. The ballots to be used at such election shall be in the following form:

For the adoption of the act to amend an act entitled "An act to provide for the incorporation of cities and villages."	Yes	
	No	

If a majority of the votes cast at such election shall be voted for the adoption of this act, it shall thereby and thereupon be adopted by and in force in the city of Chicago, and the city officers then in office, and those elected at the same election at which the question of the adoption of this act is submitted to the people, shall thereupon exercise the powers conferred upon like officers in this act, and be charged with like duties and responsibilities until their successors shall be elected and qualified. This act, however, shall not operate to change the term or tenure of any officers save those who may be elected after the adoption of this act.



## PART TWO.

*Concerning the Municipal Officers.*

Section 1. The mayor of the city of Chicago shall hold his office for four years and until his successor is elected and qualified.

§ 2. The mayor shall have the power to release any person imprisoned for violation of any city ordinance; he may, if he see fit, appoint a pardon board of three persons, consisting of the superintendent of the house of correction and such inspectors thereof as he may select. In case such board be appointed all petitions for release from the house of correction shall in the first instance be addressed to said board and shall be by them forwarded to the mayor, with a report of their findings and recommendations.

§ 3. The compensation of all officers shall be by salary, as fixed in the annual appropriation bill by the city council, and the compensation of no officer shall be altered during the same fiscal year. No officer shall be allowed any fees, perquisites or emoluments, or any reward or compensation aside from his salary, but all fees and earnings of his office or department shall be paid by him into the city treasury. The chairman of the finance committee of the city council shall receive in addition to his salary as an alderman, such additional sum, not exceeding \$3,500 per annum, as the city council may by ordinance determine as and for his compensation for services rendered as chairman of said committee.

§ 4. Neither the treasurer nor any other officer of the city of Chicago having public funds in his possession or custody shall be entitled to the interest accruing thereon or any part thereof, but such interest shall inure to the benefit of such city and be paid into its treasury.

§ 5. It shall be the duty of the comptroller at least once in each year and not later than the first day of December of each year, to advertise for bids from all regularly established national and State banks doing business within the city, for interest upon the money of the city so to be deposited in such banks. Such bids shall be reported to the city council for its information and consideration not later than the fifteenth day of December of each year, to the end that an award or awards may be made upon such bids by the city council prior to the end of each fiscal year. Such awards shall be made to the highest and best responsible bidder or bidders. The city council shall have the power to reject all bids and to designate as many depositaries as it deems necessary for the protection of the city's interests, and award bids accordingly. No bid shall be awarded to any financial institution other than a regularly organized State or national bank, and no moneys shall be deposited with any bank or such award be effective until such depositary shall have delivered to the comptroller a bond to the city in such sum and with such sureties as the city council shall approve, conditioned in like manner as other official bonds given by public officials charged with the custody of money. The city council shall have power to pass all necessary ordinances to carry the

foregoing provisions into effect and provide rules applicable thereto. The city treasurer shall be discharged from responsibility for all moneys deposited by him pursuant to order or ordinance of the city council with any depositaries who may be so named and qualified, and in fixing the amount of the bond of the city treasurer due regard shall be had by the city council of the effect of any such deposits upon the actual amount of money for which the city treasurer may from time to time be held responsible. When money is once deposited in such depositary or depositaries, no check or draft shall be drawn against such deposit unless accompanied by a warrant attached thereto, drawn in accordance with the provisions of article VII of the act above referred to by its title, a duplicate of said warrant to be retained by the treasurer.

§ 6. The city council shall have the power to fix the the amount and penalty of the bonds of all city officers and of all municipal employes charged with the custody of money or property. It shall also have the power to require the giving of additional bonds, and to increase or decrease the amount and penalty of the bond of any officer, and to require the giving of a new bond where the security on an original bond has become either insufficient or in any way impaired, upon penalty of removal from office. The power vested in the city council by this section shall be so administered as to protect the interests of the city from danger or financial loss, and shall never be used as a means of removing any person from the civil service of the city without a hearing before the Civil Service Commission, in accordance with law. In any such case the city employé or official whose office is sought to be declared by reason of a failure to give a new, additional, or increased bond, shall have the right to have a hearing before the Civil Service Commission upon the question so involved.

§ 7. The head of the law department of the city shall be the corporation counsel, and the duties heretofore performed by the city attorney shall be performed by the corporation counsel and his assistants. From and after the adoption of this act the office of city attorney shall be abolished.

#### PART THREE.

#### *Concerning the City Council.*

SECTION 1. The city council shall continue to have all the powers, obligations and duties vested in and imposed upon such body by the act above referred to by its title, except so far as altered or modified by the adoption of the provisions of this act.

§ 2. No member of the city council shall at the same time hold any other civil service office under the Federal, State or city government, except in the National Guard; or as a mastery in chancery or notary public, and except such honorary offices as go by appointment without compensation.

§ 3. If any ordinance of the city council be returned by the mayor to the council without his approval, the mayor may submit with the message stating his objections thereto, a substitute ordinance, and

after the vote by which the original ordinance was passed is reconsidered, then, if no motion be made to pass such original ordinance, the veto of the mayor to the contrary notwithstanding, or if such motion be made and fails of adoption, such substitute ordinance may forthwith be considered, unless two members of the council demand the reference of such substitute ordinance to a committee and if such demand be made, such substitute ordinance shall be so referred unless two-thirds of the members of such council vote in favor of immediate consideration thereof, and if such ordinance receives the affirmative vote of a majority of all members of the council present and voting, shall take effect and be in force in lieu of such vetoed ordinance.

§ 4. Upon the veto of any ordinance by the mayor, if two-thirds of all the members elected to the city council fail to pass the same, the veto of the mayor to the contrary notwithstanding, said ordinance shall not again be considered, unless or until introduced as an original ordinance, at a subsequent meeting. But this section shall not be construed to prevent the introduction and consideration of a substitute or amended ordinance.

§ 5. The city council may also regulate the use of space over the streets, alleys and public places of the city, and upon payment of proper compensation, to be fixed by ordinance, may permit the use of the space more than twelve feet above the level thereof.

§ 6. The city of Chicago may acquire, by purchase or otherwise, municipal parks, play grounds, public beaches and bathing places, and improve, equip, maintain and regulate the same.

§ 7. The city may exercise the right of eminent domain by condemnation proceedings in conformity with the provisions of the constitution and statutes of the State of Illinois for the acquirement of property useful, advantageous or desirable for municipal purposes, and the procedure in such cases shall be, as nearly as may be, like that provided for in an act entitled, "An act concerning local improvements," approved June 14, 1897, in force July 1, 1897, as now or hereafter from time to time amended.

§ 8. The city council shall, by ordinance, be empowered to declare and define nuisances and abate the same, and shall have the power to regulate the location and conduct of hospitals and infirmaries.

APPROVED May 18, 1905.

## SALE OF GAS AND ELECTRICITY BY CHICAGO.

§ 1. Chicago may sell surplus electricity.

§ 3. Form of ballot.

§ 2. Adoption of act by city—election.

Approved May 18, 1905.

AN ACT to confer upon the city of Chicago the power and authority to sell surplus electricity and to fix the rates and charges for the supply of gas and electricity for power, heating and lighting furnished by any individual, company or corporation to said city of Chicago and the inhabitants thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That upon the adoption of this act in the manner hereinafter provided the city of Chicago shall have the power and authority to sell surplus electricity for heat, light and power within the corporate limits of said city, and is hereby empowered to prescribe by ordinance maximum rates and charges for the supply of gas and electricity for power, heating and lighting furnished by any individual, company or corporation to such city and the inhabitants thereof. Such rates and charges to be just and reasonable and may be fixed for a period not exceeding five years and in case the corporate authorities of any such city shall fix unjust and unreasonable rates and charges, the same may be reviewed and determined by the circuit court of the county in which said city is situated: *Provided*, that nothing in this act contained shall be construed as enlarging the powers now conferred by law upon said city to own, construct or acquire electric lighting plants, or as permitting said city to sell electricity so long as the same is needed for light heat and power for municipal purposes.

§ 2. This act shall not be in force until the question of its adoption shall first have been submitted to the electors of such city and approved by a majority of those voting thereon. The city council of the city of Chicago may direct by ordinance that the question of the adoption of this act by the city of Chicago, be submitted to popular vote at any general, city or special election in and for the entire city coming not sooner than thirty (30) days from and after the passage of such ordinance. The city clerk of said city shall certify the passage of such ordinance to the proper election officials and it shall thereupon be the duty of such election officials to submit the question of the adoption of this act by the city of Chicago to popular vote. The city clerk of the city of Chicago shall also give at least thirty (30) days' notice of such election by publishing a notice thereof in one or more newspapers of general circulation within such city.



§ 3. The ballots to be used at such election shall be in the following form:

For the adoption of an act entitled "An act to confer upon the city of Chicago power and authority to sell surplus electricity and to fix the rates and charges for the supply of gas or electricity and to fix the rates and charges for the supply of gas or electricity for power, heating and lighting furnished by any individual, company or corporation to said city of Chicago and the inhabitants thereof."	Yes.	
	No.	

If a majority of the votes cast upon said proposition at said election shall be voted for the adoption of this act it shall thereby and thereupon be adopted by and be in force in the city of Chicago.

APPROVED May 18, 1905.

#### SUITS AT LAW FOR PERSONAL INJURIES.

§ 1. Damage suits to commence within one year.

§ 2. Notice of suit to file within six months.

§ 3. Dismissal of suit for want of notice.

§ 4. Repeal.

Approved May 13, 1905.

*AN ACT concerning suits at law for personal injuries and against cities, villages and towns.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* No suit or action at law shall be brought or commenced in any court within this State for damages against any incorporated city, village or town by any person for an injury to his person unless such suit or action be commenced within one year from the time such injury was received or the cause of action accrued.

§ 2. Any person who is about to bring any action or suit at law in any court against any incorporated city, village or town for damages on account of any personal injury shall, within six months from the date of injury, or when the cause of action accrued, either by himself, agent or attorney, file in the office of the city attorney (if there is a city attorney, and also in the office of the city clerk) a statement in writing, signed by such person, his agent or attorney, giving the name of the person to whom such cause of action has accrued, the name and residence of person injured, the date and about the hour of the accident, the place or location where such accident occurred, and the name and address of the attending physician (if any).

§ 3. If the notice provided for by section two of this act shall not be filed as provided in said section two, then any such suit brought against any such city shall be dismissed and the person to whom any such cause of action accrued for any personal injury shall be forever barred from further suing.

§ 4. All acts or parts of acts inconsistent with any of the provisions of this act are hereby repealed.

APPROVED May 13, 1905.

#### VILLAGE CLERK—TERM OF OFFICE.

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| § 1. Extends official term of village clerk to two years.—Vacancy. | § 2. Repeal.<br>Approved May 13, 1905. |
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*AN ACT in relation to the office of clerk in villages and incorporated towns.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That at the regular annual election, to be held in the year A. D. 1906, for trustees in each village and every incorporated town, and biennially thereafter, at the regular election of trustees, there shall be elected a clerk of such village or incorporated town to hold office for the term of two years and until his successor is elected and qualified. Whenever vacancy shall occur in the office of clerk elected hereunder during the first year of the term, such vacancy shall be filled for the remaining year of the term at the next annual election of trustees, and during the period from the time any vacancy occurs until a clerk is elected and qualified, as above provided, such vacancy may be filled by appointment by the president and board of trustees of such village or incorporated town.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

APPROVED May 13, 1905.

#### VILLAGE OFFICERS—APPOINTIVE AND ELECTIVE.

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| § 1. Amends sections 11 and 12, article 11, act of 1872.<br>§ 11. Appointment of certain officers—bonds.<br>§ 12. Duties of marshal. | § 2. Emergency.<br>Approved May 12, 1905. |
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*AN ACT to amend sections eleven (11) and twelve (12) of article eleven (11) of an act entitled, "An act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections eleven (11) and twelve (12) of article (11) of an act entitled, "An act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, be amended so as to read as follows, to-wit:

#### ARTICLE XI.

§ 11. The president and board of trustees may appoint a clerk *pro tempore*, and whenever necessary to fill vacancies; and may also appoint a treasurer, one or more street commissioners, a village marshal, and

such other officers as may be necessary to carry into effect the powers conferred upon villages, to prescribe their duties and fees, and require such officers to execute bonds as may be prescribed by ordinance.

§ 12. The village marshal shall perform such duties as shall be prescribed by the president and board of trustees of said village, for the preservation of the public peace and the observance and enforcement of the ordinances and laws.

§ 2. WHEREAS, An emergency exists, this act shall be in force from and after its passage.

APPROVED May 11, 1905.

## CIVIL SERVICE.

### CIVIL SERVICE CODE.

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| § 1. Appointment of commissioners—oath.          | § 21. Soliciting contributions prohibited.                |
| § 2. Removal of commissioners—vacancy.           | § 22. Political assessments and contributions prohibited. |
| § 3. Classification of places.                   | § 23. Official influence prohibited.                      |
| § 4. Commission shall make rules.                | § 24. Payment for places prohibited.                      |
| § 5. Publication of rules.                       | § 25. Political recommendations prohibited.               |
| § 6. Examinations.                               | § 26. Political influence prohibited.                     |
| § 7. Notice of examinations.                     | § 27. Approval of vouchers.                               |
| § 8. Registers to be kept.                       | § 28. Certification to Auditor.                           |
| § 9. Promotions regulated.                       | § 29. Illegal payments prohibited.                        |
| § 10. Appointments to classified service.        | § 30. Payments by treasurer, etc.                         |
| § 11. Places excepted from classification.       | § 31. Salaries to certified employes only.                |
| § 12. Removals and reductions.                   | § 32. Compelling testimony.                               |
| § 13. Reports to commission by appointing power. | § 33. Penalties.  |
| § 14. Investigations by commission.              | § 34. Removal from office—vacancy.                        |
| § 15. Report to Governor.                        | § 35. Prosecutions under act.                             |
| § 16. Officers of commission.                    | § 36. When act takes effect.                              |
| § 17. State officers to aid commission.          | § 37. Repeal.   |
| § 18. Salaries and expenses.                     |   |
| § 19. Frauds prohibited.                         |   |
| § 20. Political contributions prohibited.        |   |

Approved May 11, 1905.

*AN ACT to regulate the civil service of the State of Illinois.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* COMMISSIONERS APPOINTED—OATH.] The Governor shall, by and with the advice and consent of the Senate, within thirty days after this act shall take effect, appoint three persons as Civil Service Commissioners to hold office one for

two years, one for four years and one for six years, from the first day of March, 1905, and until their respective successors are appointed and qualified; and they shall constitute the State Civil Service Commission. And on the first day of March, 1907, and at the end of every two years thereafter, the Governor shall, in like manner and by and with the advice and consent of the Senate, appoint one person as the successor of the commissioner whose term shall expire in that year; to serve as such commissioner for six years and until his successor is appointed and qualified. Two commissioners shall constitute a quorum. All appointments to said commission, both original and to fill vacancies, shall be so made that not more than two members shall, at the time of the appointment, be members of the same political party. Said commissioners shall hold no other lucrative office or employment under the United States, the State of Illinois, or any municipal corporation or political division thereof. Each commissioner, before entering upon the duties of his office, shall take the oath prescribed by the Constitution of this State.

§ 2. REMOVAL OF COMMISSIONERS — VACANCY.] The Governor may remove any commissioner for want of moral character, incompetency, neglect of duty or malfeasance in office. The Governor shall, at the same time report, in writing, any such removal to the Senate with his reasons therefor. If the Legislature is not then in session such report shall be filed in the office of the Secretary of State and be transmitted by him to the Senate within ten days after the commencement of the next session. In case of vacancy in the office of commissioner, the unexpired term shall be filled by appointment by the Governor, by and with the advice and consent of the Senate. When the Senate is not in session the Governor may make appointments and fill vacancies in the commissionerships hereby created; but all appointments made when the Senate is not in session shall be subject to be confirmed by the Senate at its next session before becoming permanent.

§ 3. CLASSIFICATION.] Said commissioners shall, within ninety days after their appointment, classify all the offices and places of employment in the several charitable institutions of the State, and in all institutions over which the board of the State Commissioners of Public Charities, now or may hereafter exercise supervising or visitatorial powers. The offices and places so classified by the commission shall constitute the classified civil service of the State, and no appointments to any of such offices or places shall be made except under and according to the rules hereinafter mentioned.

§ 4. RULES.] Said commission shall make rules to carry out the purposes of this act; and for examinations, appointments and removals, in accordance with the provisions, and the commission may from time to time make changes in the original rules.

§ 5. PUBLICATION OF RULES—TIME OF TAKING EFFECT.] All rules made as herein before provided, and all changes therein, shall forthwith be printed for distribution by the said commission; and the commission shall give notice of the place or places where said rules may be obtained by publication in one or more daily newspapers published



in each of the seven largest cities in the State according to the last general census published by the United States, and in each such publication shall be specified the date, not less than ten days subsequent to the date of such publication, when said rules shall go into operation. Copies of all said rules and of all changes therein, duly certified by the secretary of the commission, shall be filed in the office of the Secretary of State, and shall also be sent to the county clerk of each county in the State within ten days after the adoption thereof, and shall, by said county clerks, be filed, preserved, indexed and recorded in well-bound books kept for that purpose; which files and records shall be open to the inspection by the public at all reasonable hours.

§ 6. EXAMINATIONS.] All applicants for offices or places in said classified service, except those mentioned in section 11, shall be subjected to examination, which shall be public, competitive and free to all citizens of the State of Illinois, with limitations specified in the rules of the commission as to residence, age, sex, health, habits and moral character. Such examinations shall be practical in their character and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the position to which they seek to be appointed, and may include tests of physical qualifications and health, and when appropriate, of manual skill. No question in any examination shall relate to political or religious opinions or affiliations. The commission shall control all examinations, and may, whenever an examination is to take place, designate a suitable number of persons, either in or not in the official service of the State, to be examiners, and at least one of said commissioners shall attend said examinations and it shall be the duty of such examiners, and if in the official service, it shall be a part of their official duty, without extra compensation, to conduct such examination as the commission may direct, and to make return or report thereof to said commission; and the commission may at any time substitute any other person, whether or not in such service, in the place of any one so selected; and the commission may themselves at any time act as such examiners and without appointing examiners. The examiners at any examination shall not all be members of the same political party. Such examinations shall be held in each of the seven largest cities in the State according to the last general census published by the United States, and the number of examinations to be held in each of said seven cities shall be, as near as possible, equal to the number held in each one of the others; and whenever the list of persons examined and eligible for original appointment for any position in the classified service shall be less than five, the commission shall hold an examination for such position.

§ 7. NOTICE OF EXAMINATIONS.] Notice of the time and place and general scope of every examination shall be given by the commission, by publication, for two weeks preceding such examination, in one or more daily newspapers of general circulation published in each one of the seven largest cities in the State, according to the last general

census published by the United States, and such notice shall also be posted by said commission in a conspicuous place in their office for two weeks before such examination. Such further notice of examination shall be given as the commission shall prescribe. Written or printed notice of every examination shall also be sent by the commissioners to the county clerks of each county in the State and by him, promptly upon its receipt, posted in a conspicuous place in the court house of each county.

§ 8. REGISTERS.] From the returns or reports of examiners, or from the examinations made by the commission, the commission shall prepare a register for each grade or class of positions in the classified service of the State of the persons who shall attain such minimum mark as may be fixed by the commission for any part of such examination and whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of said commission, and who are otherwise eligible; and such persons shall take rank upon the register as candidates in the order of their relative excellence as determined by examination, without reference to priority of time of examination.

§ 9. PROMOTIONS.] The commission shall by its rules provide for promotions in such classified service on the basis of ascertained merit and seniority in service and examination and shall provide, in all cases where it is practicable, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lowest rank or grade as desire to submit themselves to such examination; and it shall be the duty of the commission to submit to the appointing power the names of not more than three applicants for each promotion having the highest rating. The method of examination and the rules governing the same, and the method of certifying, shall be the same as provided for applicants for original appointment.

§ 10. APPOINTMENTS TO CLASSIFIED SERVICE.] The head of a department, office or institution in which a position classified under this act is to be filled shall notify said commission of that fact and said commission shall certify to the appointing officer the names and addresses of three candidates standing highest upon the register for the class or grade to which said position belongs, and the head of such department, office or institution shall select one of the three so certified and after a candidate has been certified three times by the commission and shall not have been accepted by the head of a department, office or institution his name shall be stricken from the register. In making such certification sex shall be disregarded, except when some statute, the rules of said commission or the appointing power specified sex. Persons who were engaged in the military or naval service of the United States during the years 1861, 1862, 1863, 1864 or 1865, and who were honorably discharged therefrom, shall be preferred for appointment to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such office, and it shall be the duty of the examiner or

commissioner certifying the list of eligibles who have taken the examinations provided for in this act, to place the name or names of such persons at the head of the list of eligibles certified for appointment.

The appointing officer shall notify said commission of each position to be filled separately, and shall fill such place by appointment of the person certified to him by said commission therefor; which appointment shall be on probation for a period of six months; at or before the expiration of the period of probation the head of the department or office in which a candidate is employed may discharge him upon assigning in writing the reason therefor to said commission. If he is not then discharged the appointment shall be deemed complete. Said commission may strike off the names of all candidates from any eligible list after they have remained thereon more than two years.

§ 11. CLASSIFIED SERVICE—WHAT NOT INCLUDED.] All members of charitable boards, trustees and commissioners, superintendents of charitable institutions and one chief clerk or deputy and one stenographer for each institution to which the provisions of this act shall apply, shall not be included in the classified service.

§ 12. REMOVALS AND REDUCTIONS.] No officer or employé in the classified civil service of the State who shall have been appointed under said rules shall be removed, discharged or reduced in rank or pay because of his religious or political opinion or affiliation. No removal shall be made by any appointing power from the classified civil service, except for just cause and for reasons given in writing to the commission, and the persons sought to be removed shall have notice and be furnished a copy of such reasons and be allowed a reasonable time, not less than three nor more than seven days, for personally answering the same in writing. Copy of such reason, notice and answer and of the order of removal shall be made a part of the record of the proper department or office; and the reasons for any change in rank or compensation within the classified service shall also be made a part of the records of the proper department or office. It is understood that the term "just cause," as used in this section, is intended to mean any cause, other than one merely political or religious, which will promote the efficiency of the service, and nothing contained in this section shall be construed to require the examination of witnesses or any trial or hearing.

§ 13. REPORTS TO COMMISSION.] Immediate notice in writing shall be given by the appointing power to said commission of all appointments, permanent or temporary, made in such classified civil service and of all transfers, promotions, resignations or vacancies, from any cause in such service and of the date thereof, and a record of the same shall be kept by said commission. When any office or place of employment is created or abolished, or the compensation attached thereto altered, the officer or board making such change shall immediately report it in writing to said commission.



§ 14. INVESTIGATIONS.] The commission shall investigate the enforcement of this act and of its rules and the action of the examiners herein provided for and the conduct and action of the appointees in said classified service; and may inquire as to the nature, tenure and compensation of all offices and places in the public service of the State. In the course of such investigation each commissioner shall have the power to administer oaths and said commission shall have the power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to such investigation.

§ 15. REPORT OF COMMISSION.] Said commission shall on or before the 15th day of January of each year make to the Governor a report showing its own action, the rules in force, the practical effects thereof and any suggestions it may approve for the more effectual accomplishment of the purposes of this act. The Governor may require a report from said commission at any other time.

§ 16. PRESIDENT—CHIEF EXAMINER—SECRETARY OF COMMISSION.] Said commission shall select one of its members as president and shall employ a chief examiner whose duty it shall be, under the direction of the commission, to superintend examinations, and who shall perform such other duties as the commission shall prescribe. The chief examiner shall be *ex officio* secretary of said commission under the direction of the commission. He, as such secretary, shall keep the minutes of its proceedings, preserve all reports made to it, keep a record of all examinations held under its direction, and perform such other duties as the commission shall prescribe.

§ 17. OFFICERS TO AID—ROOMS—MEETINGS.] All officers of the State shall aid said commission in all proper ways in carrying out the provisions of this act. The Secretary of State shall cause suitable rooms to be provided for said commission at the capitol in Springfield. It shall be the duty of the officers of the State, or of any civil division thereof, at any place where examinations are directed by the commission, or by its rules to be held, to allow the reasonable use of public buildings and rooms and to heat and light the same for holding such examinations and use all proper ways to facilitate the same. The commission shall meet in Springfield at least once in each calendar month, except August.

§ 18. SALARIES AND EXPENSES.] Each of said commissioners shall receive a salary of three thousand dollars a year; the chief examiner shall receive a salary of two thousand five hundred dollars a year, and said commissioners and chief examiner shall be paid their necessary traveling expenses. Any person not at the time in the official service of the State, serving as a member of the board of examiners or of a trial board, shall receive compensation for every day actually and necessarily spent in the discharge of his duty as an examiner or a member of the trial board, at the rate of not exceeding five dollars per day and necessary traveling expenses. Said commission may also incur necessary expenses for clerk hire, printing, stationery and other



incidental expenses, and the said salaries and expenses shall be allowed and paid in the same manner as the salary and expenses of the Governor's office.

§ 19. FRAUDS PROHIBITED.] No person or officer shall wilfully or corruptly, by himself or in cöoperation with one or more other persons, defeat, deceive or obstruct any person in respect to his or her right of examination hereunder; or corruptly or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder, or aid in so doing; or wilfully or corruptly make any false representation concerning the same, or concerning the person examined; or wilfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, or to be examined, being appointed, employed or promoted.

§ 20. NO OFFICER TO RECEIVE OR SOLICIT POLITICAL CONTRIBUTIONS.] No officer or employé shall solicit, orally or by letter, or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription or contribution from any member of the classified civil service for any party or political purpose whatever.

§ 21. NO PERSON TO SOLICIT POLITICAL CONTRIBUTIONS FROM OFFICERS OR EMPLOYES.] No person shall solicit, orally or by letter, or be in any manner concerned in soliciting any assessment, contribution or payment, for any party or any political purpose whatever, from any officer or employé in the classified service of the State.

§ 22. ASSESSMENTS AND CONTRIBUTIONS IN PUBLIC OFFICES FORBIDDEN.] No person shall, in any room or building occupied for the discharge of official duties by any officer or employé in the State, solicit orally or by written communication, delivered therein, or in any other manner, or receive any contribution of money or other thing of value, for any party or political purpose whatever, from any member of the classified service of the State. No officer, agent, clerk, or employé under the government of this State, who may have charge or control of any building, office or room, occupied for any purpose of said government, shall permit any person to enter the same for the purpose of therein soliciting or delivering written solicitations for or receiving from, or giving notice to, any member of the classified service of the State, of any political assessments.

§ 23. ABUSE OF OFFICIAL INFLUENCE PROHIBITED.] No officer or employé of the State shall discharge or degrade or promote, or in any manner change the official rank or compensation of any officer or employé in the classified service of the State, or promise or threaten to do so, for giving or withholding or neglecting to make any contribution of money, or other valuable thing, for any party or political purpose, or for refusal or neglect to render any party or political service.

§ 24. PAYMENT FOR PLACES PROHIBITED.] No applicant for appointment in said classified civil service, either directly or indirectly, shall pay or promise to pay, any money or other valuable thing to any person whatever, for or on account of his appointment, or proposed appointment, and no officer or employé in the classified service of the

State shall pay or promise to pay, either directly or indirectly, any person any money or other valuable thing whatever, for or on account of his promotion or proposed promotion.

§ 25. RECOMMENDATIONS IN CONSIDERATION OF POLITICAL SERVICE PROHIBITED.] No applicants for appointment or promotion in said classified civil service shall ask for or receive a recommendation or assistance from any officer or employé in said service, or from any person, upon the consideration of any political service to be rendered to or for such person, or for the promotion of such person to any office or appointment.

§ 26. ABUSE OF POLITICAL INFLUENCE PROHIBITED.] No person, while holding an office or position in the classified service of the State, or in nomination for, or while seeking a nomination for or appointment to any such office shall corruptly use or promise to use, either directly or indirectly, any official authority or influence (whether then possessed or merely anticipated) in the way of conferring upon any person, or in order to secure or aid any person in securing any office or public employment in the classified service, or any nomination, confirmation, promotion or increase of salary, upon the consideration or condition that the vote or political influence or action of the last named person or any other, shall be given or used in behalf of any candidate, officer or party, or upon any other corrupt condition or consideration.

§ 27. AUDITING OFFICER.] The Governor shall not approve any voucher for any claim of any public officer for the services of any person employed in the classified service of the State, in violation of the provisions of this act.

§ 28. APPOINTMENTS AND REMOVALS TO BE CERTIFIED TO THE STATE AUDITOR.] The commission shall certify to the State Auditor, all appointments to offices and places in the classified civil service, and all vacancies occurring therein, whether by dismissal, resignation or death; and all findings made or approved by the commission that a person shall be discharged from the classified civil service under the provisions of section 12 of this act.

§ 29. STATE AUDITOR SHALL APPROVE ONLY OF SALARIES OF LAWFUL EMPLOYEES.] No treasurer, paying, fiscal or auditing officer of the State shall approve the payment of, or be in any manner concerned in paying any salary or wages to any person for services, as an officer or employé in the service of the State, unless such person is occupying an office or place of employment according to the provisions of law, and is actually performing the duties thereof, and is entitled to payment therefor.

§ 30. TREASURER TO PAY SALARIES ONLY OF LAWFUL EMPLOYEES.] No paymaster, treasurer, or other officer or agent of the State shall wilfully pay, or be in any manner concerned in paying any person any salary or wages for services as an officer or employé of the State, unless such person is occupying an office or place of employment according to the provisions of law, and is actually performing the duties thereof, and is entitled to payment therefor.

§ 31. SALARIES TO BE PAID ONLY AFTER CERTIFICATION.] It shall be unlawful for the Auditor or any other fiscal officer of the State to draw, sign or issue or authorize the drawing, signing or issuing of any warrant on the Treasurer, or any disbursing officer of the State, for the payment of, or for the Treasurer or other disbursing officer of the State to pay any salary or compensation to any officer, clerk or other person in the classified service of the State, unless on an estimate, pay roll or account for such salary or compensation, containing the names of the persons to be paid, and a statement of the amount to be paid, and the matter on account of which the same is to be paid, shall be filed with him, bearing the certificate of the State Civil Service Commission that the persons named in such estimate, pay roll or account, have been appointed or employed, or promoted, in pursuance of law and of the rules made in pursuance of this act.

§ 32. COMPELLING TESTIMONY OF WITNESSES — PRODUCTION OF BOOKS AND PAPERS.] Any person who shall be served with a subpoena to appear and testify, or to produce books and papers, issued by the commission or by any commissioner, or by any board, or person acting under the orders of the commission in the course of an investigation, conducted under any of the provisions of this act, and who shall refuse or neglect to appear, or to testify, or to produce books and papers relevant to said investigation, as commanded in such subpoena, shall be guilty of a misdemeanor and shall, on conviction, be punished as provided in section 33 of this act. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts of this State. Any circuit court of this State, or any judge thereof, either in term time or vacation, upon application of any such commissioner, or officer, or board, may, in his discretion, compel the attendance of witnesses, the production of books and papers, and giving of testimony before the commission, or before any such commissioner, investigating board or officer, by an attachment for contempt or otherwise, in the same manner as production of evidence may be compelled before said court. Every person who, having taken an oath or made affirmation before a commissioner or officer appointed by the commission authorized to administer oaths, shall wilfully swear or affirm falsely, shall be guilty of perjury and upon conviction shall be punished accordingly.

§ 33. PENALTIES.] Any person who shall wilfully, or through culpable negligence, violate any of the provisions of this act, or any commissioner, examiner, agent or employé of the commission, or any applicant, who shall wilfully, or through culpable negligence, violate any rule promulgated in accordance with the provisions thereof, shall be guilty of a misdemeanor and shall, on conviction thereof, be punished by a fine of not less than fifty dollars nor more than one thousand dollars, or by imprisonment in the county jail for a term not exceeding six months, or both such fine and imprisonment, in the discretion of the court.

§ 34. PENALTIES—REMOVAL FROM OFFICE.] If any person shall be convicted under the last preceding section, any public office or place of public employment which such person may hold shall, by force of such conviction, be rendered vacant.

§ 35. WHAT OFFICERS TO PROSECUTE.] Prosecutions for violation of this act may be instituted either by the Attorney General or by the State's attorney for the county in which the offense is alleged to have been committed, and shall be instituted by the Attorney General or by such State's attorney.

§ 36. WHEN ACT TAKES EFFECT.] The provisions of this act, in so far as they relate to the civil service of the State charitable institutions and other offices and departments herein mentioned, and penalties prescribed in this act for violation of such provisions, shall not be in force and effect until the first day November, 1905.

§ 37. REPEAL. All laws or parts of laws which are inconsistent with this act or with any of the provisions thereof, are hereby repealed.

APPROVED May 11, 1905.

## CLERKS OF COURTS.

### OFFICE HOURS OF CLERKS OF COURTS.

§ 1. Amends section 6, act of 1874.

Approved May 16, 1905.

§ 6 Office hours fixed for clerks of courts—proviso.

AN ACT entitled, "*An act to amend section six (6) of an act entitled 'An act to revise the law in relation to clerks of courts,' approved March 25, 1874, in force July 1, 1874,*" and acts amendatory thereto.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section six (6) of an act entitled, "An act to revise the law in relation to clerks of courts," approved March 25, 1874, in force July 1, 1874, and acts amendatory thereto, be and the same is hereby amended to read as follows:

§ 6. The clerks of the circuit courts, and of the superior and criminal courts of Cook county, and the clerks of the county courts shall keep their offices at the court house of their respective counties, and shall keep their offices open and attend to the duties thereof from eight o'clock a. m. to five o'clock p. m., of each working day, except legal holidays: *Provided*, that in counties of two hundred thousand population or over the clerks of the courts herein named shall keep their offices open and attend to the duties thereof during such hours on each day, and on such days as may be ordered by the rule of the court in such county, which rule may be changed from time to time as the judge or judges of said court may see fit.

APPROVED May 16, 1905.



## CORPORATIONS.

## GRAND ARMY OF THE REPUBLIC.

§ 1. Organization of post as a society or corporation,

§ 2. Consolidation of posts—title of property.

§ 3. Cemetery lots—care and maintenance.

§ 4. Dissolution of posts—disposition of property.

§ 5. Act not to abrogate rules of G. A. R.

Approved May 18, 1905.

*AN ACT concerning the property of posts of the Grand Army of the Republic and to provide for the care and preservation thereof.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* Whenever any post of the Grand Army of the Republic in this State shall organize itself into a society, corporation or association under the provisions of those sections of chapter 32 of the Revised Statutes of Illinois relating to the formation of societies, corporations and associations not for pecuniary profit, the title to all the property of such post, real and personal, whether the same have been theretofore held in its own name or in the name or names of any of its officers or members or otherwise in trust for said post, shall immediately vest in and belong to such society, corporation or association by the name adopted by it upon such organization.

§ 2. Whenever two or more Grand Army posts shall become consolidated, in pursuance of any general law of the Grand Army of the Republic, the title to the property of any incorporated posts so consolidating shall remain therein until the consolidated post shall become incorporated or organized under said act, whereupon the title to all property of the consolidated posts shall immediately vest in such consolidated post by such name as may be adopted by it.

§ 3. Whenever any Grand Army post, whether incorporated or unincorporated, shall own a lot in any cemetery for the interment of the remains of its deceased members or their families and shall desire to provide for the proper care of said lot after said post shall, in the ordinary course of nature have ceased to exist, it shall be lawful for such post to convey such lot in trust for that purpose to the city, town or village in which such post is located and for such city, town or village to accept such conveyance upon such trust, to take effect upon the final dissolution of said post by the death of its members or otherwise. And thereupon from and after such dissolution, said city, town or village shall have full power in its own name and it shall be its duty to enforce the observance of any contract which may have been made by said post with any person or corporation for the care of said lot and of any monument or monuments thereon and whenever necessary to do so, to appropriate and pay out of the general funds of said city, town or village, such sum or sums as may from time to time be required for the reasonable care and maintenance of such lot and the monuments thereon.

§ 4. Whenever any Grand Army post, whether incorporated or unincorporated, shall cease to exist, being seized or the owner in law or in equity of any cemetery lot wherein are interred the remains of deceased members of the Grand Army of the Republic, or of their families, and without having made other disposition of said lot, the title to such lot shall immediately vest in the city or village where such post was located, or, if located outside of any incorporated town, city or village, in the county board of the county, which shall thereupon and thereafter have the same powers and duties in reference thereto as though the same had been conveyed to it by such post as provided in section 3 of this act. All other property of such post, not theretofore disposed of by it, shall be delivered and belong to the Grand Army Hall and Memorial Association of Illinois.

§ 5. Nothing herein contained shall conflict with or in any wise impair any law, rule or regulation of the National or Illinois State Encampments of the Grand Army of the Republic respecting the subject of this act.

APPROVED May 18, 1905.

#### FOREIGN CORPORATIONS—REVISION OF ACT.

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|--|---|
| § 1. Foreign corporations for profit subject to this act.  | § 4. Building and loan and other corporations—deposits. |
| § 2. Application to Secretary of State—contents of application—certificate of authority to do business.  | § 5. Interrogatories by Secretary of State.             |
| § 3. Affidavit as to principal business office in State—reports from time to time as required—provision as to real estate—fees equal to fees of domestic corporations. | § 6. Violation of act—penalty.                          |
|  | § 7. Certain laws not repealed by this act.             |
|  | § 8. Repeals act of 1897.                               |
|  | § 9. Not applicable to railroad corporations.           |
|  | Approved May 18, 1905.                                  |

AN ACT entitled, "*An act to regulate the admission of foreign corporations for profit, to do business in the State of Illinois.*"

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That before any foreign corporation for profit shall be permitted or allowed to transact any business or exercise any of its corporate powers in the State of Illinois, other than insurance companies, building and loan companies and surety companies, they shall be required to comply with the provisions of this act and shall be subject to all of the regulations prescribed herein, as well as all other regulations, limitations and restrictions applying to corporations of like character organized under the laws of this State.

§ 2. When any corporation organized under the laws of any foreign state or country, for the transaction of business for profit, desires admission into the State of Illinois, for the purpose of transacting business or exercising its corporate powers or franchise, it shall make application to the Secretary of State, signed and sworn to by

the president and secretary, stating what business such corporation proposes to pursue under its charter, the amount of capital stock of such corporation, whether it is transacting or it is intended that it shall transact business in any other state or country, the proportion of its business intended to be carried on in the State of Illinois, the amount paid in upon its capital stock, what property and assets and an estimate of the value thereof, will be employed in the business of said corporation in the State of Illinois, if any of its capital subscribed has not been paid in what disposition is to be made thereof, the names of the president, secretary and directors of said corporation and their residences, where its principal office in Illinois will be located and the name and address of some attorney in fact, upon whom service can be had in all suits commenced in this State and, if required by the Secretary of State, the names and residences of all stockholders in said corporation as shown by its records, and such corporation shall file with the Secretary of State, copy of its charter or articles of incorporation, or in case such corporation is incorporated merely by a certificate then a copy of its certificate of incorporation, duly certified and authenticated by the officer who issued the original, or by the recorder or registrar of the office in which said original charter, articles or certificates may have been recorded.

The Secretary of State shall have power to prescribe the form of such application and may, in addition thereto, propound such interrogatory or interrogatories to the applicants respecting the character of business in which said corporation proposes to engage, the amount of its capital stock, the proportion of its business that it is intended shall be carried on in this State, and the proportion and location of its business in other states or countries, and such interrogatories shall be answered under oath and the interrogatories and answers thereto shall be filed with said application and with the certified copy of its charter and shall be and operate as a limitation upon the powers of said corporation to transact business in the State of Illinois.

The Secretary of State, upon the admission of such foreign corporation to do business in the State of Illinois, shall issue a certified copy of all papers, including certified copy of the charter of said corporation, and shall state, in a certificate of authority to do business issued by him, the powers and object of said corporation which may be exercised in this State, not in conflict with the law or public policy of this State, and no corporation shall, by the certificate of the Secretary of State, be authorized to transact any business in this State for the transaction of which a corporation cannot be organized under the laws of this State, and no foreign corporation shall exercise any powers in this State not authorized by the provisions of its charter.

§ 3. Every foreign corporation admitted to do business in the State of Illinois under the provisions of this act shall constantly keep on file in the office of the Secretary of State, an affidavit of the president and secretary, showing the location of its principal business office in the State of Illinois, and the name of some person who may

be found at said office, for the purpose of accepting service upon said corporation, in all suits that may be commenced against it, and as often as said corporation shall change the location of its office, or its attorney for receiving and accepting service, a new affidavit shall be filed to take the place of all such affidavits previously filed by the officers of said corporation. Such corporation when admitted to do business in the State of Illinois, under this act shall be required to make such reports from time to time as are required to be made by similar corporations organized under the laws of this State and all regulations now in force or hereafter imposed upon domestic corporations, shall be alike observed and complied with by all foreign corporations doing business in this State.

No foreign corporation admitted to do business in this State under the provisions of this act shall hold any real estate except such as may be necessary for the proper carrying on of its legitimate business, nor be permitted to mortgage, pledge or encumber its real or personal property situated in this State to the injury or exclusion of any citizen or corporation of this State who is creditor of such foreign corporation and no mortgage by any foreign corporation, except railroad and telegraph companies, given to secure any debt created in any other state shall take effect as against any citizen or corporation of this State until all of its liabilities due any person or corporation of this State at the time of recording such mortgage, shall have been fully paid and extinguished. Before any foreign corporation shall be authorized to do business in this State it shall be required to pay into the office of the Secretary of State upon the proportion of its stock represented by its property and business in Illinois, fees equal to those required of similar corporations formed within and under the laws of this State.

§ 4. Nothing in this act shall be taken or construed to release from the operation of laws in force in this State, of foreign loan, building and loan, bond investment, surety, insurance or other corporations which are required to make deposits and comply with regulations established by law for their government, or the government of domestic corporations of like character, nor shall this act be construed to authorize the admission to do business in this State of any corporation, the like of which may not be organized under some law of this State, nor to authorize the admission to do business in this State of any foreign loan, building and loan, bond investment, surety or insurance company, nor shall this act be construed as a grant of power to any corporation admitted hereunder, but as a limitation upon interstate comity.

§ 5. At any time the Secretary of State may, in his discretion, prepare and propound to the president, secretary, any director or manager of any corporation doing business in this State under the provisions of this act, such interrogatories respecting the character of business being transacted by it, the location of its business, the names and residences of its directors and officers, and the amount of capital paid in, as well as what disposition has been made of capital stock



subscribed for or authorized and not paid in, and such interrogatories shall be answered under oath by the officer or director to whom propounded, within five days after receipt thereof, and upon the failure or refusal of such officer or director to fully answer such interrogatories and file the same, with his answers, in the office of the Secretary of State, within ten days after receiving the same, the Secretary of State may revoke the authority of such corporation to do business in this State, by filing with the certified copy of the charter of such corporation a certificate of revocation, and by the publication thereof for one issue in some newspaper of general circulation in the State of Illinois, and thereafter, such corporation shall not exercise any of its corporate powers or franchises in the State of Illinois. When such interrogatories shall have been answered and filed with the answers thereto, in the office of the Secretary of State, if thereby any violation of the law, or of the charter of said corporation, or any excess of its powers and authority to do business in this State is disclosed, a copy thereof, with such information, shall be immediately transmitted to the Attorney General of this State for his action.

§ 6. Every foreign corporation amenable to the provisions of this act, which shall neglect or fail to comply with any of the provisions of the same as herein provided, shall be subject to a penalty of not less than one thousand dollars (\$1,000) nor exceeding ten thousand dollars (\$10,000), to be recovered before any court of competent jurisdiction, and it is hereby made the duty of the Secretary of State, as he may be advised, or may ascertain that any corporation is doing business in contravention of this act, to report such fact to the Attorney General of this State, and it shall be his duty and the duty of the State's attorney of the proper county to bring such actions at law as shall be necessary for the recovery of the penalties imposed hereby, and in addition to such penalty, if after this act shall take effect, any foreign corporation shall fail to comply herewith, no suit may be maintained either at law or in equity upon any claim, legal or equitable, whether arising out of contract or tort in any court in this State.

§ 7. This act shall not be construed to repeal any law now in force regulating the admission into this State of any insurance, surety, building and loan, railroad or telegraph corporation, but the provisions of this act shall be construed to be additional to any provisions regulating the admission of any such foreign corporations to do business in the State of Illinois.

§ 8. An act entitled, "An act to amend an act entitled, 'An act to require every foreign corporation doing business in this State to have a public public office or place in this State at which to transact its business, subjecting it to certain conditions and requiring it to file its articles or charter of incorporation with the Secretary of State and to pay certain taxes and fees thereon, approved May 26, 1897, in force July 1, 1897, (approved April 22, 1899, in force July 1, 1899,)" is hereby repealed and all acts and parts of acts in conflict herewith to the extent only of such conflict are hereby repealed.

§ 9. This act shall not be applicable to, or in any manner affect, any corporation of another state which has acquired, or constructed, and is now operating, a railroad in the State of Illinois.

APPROVED May 18, 1905.

FOREIGN CORPORATIONS—VIOLATIONS OF ACT.

§ 1. Amends section 4, act of 1897.

§ 2. Repeal.

§ 4. Violations of act—penalty.

Approved May 13, 1905.

AN ACT to amend an act entitled, "*An act to require every foreign corporation doing business in this State to have a public office or place in this State at which to transact its business, subjecting it to a certain condition, and requiring it to file its articles or charter of incorporation with the Secretary of State, and to pay certain taxes and fees thereon,*" approved May 26, 1897, in force July 1, 1897, and various acts amendatory thereof, by amending section 4.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled, "*An act to require every foreign corporation doing business in this State to have a public office or place in this State at which to transact its business, subjecting it to a certain condition, and requiring it to file its articles or charter of incorporation with the Secretary of State, and to pay certain taxes and fees thereon.*" approved May 26, 1897, in force July 1, 1897, and various acts amendatory thereof, be, and the same is hereby, amended by amending section 4, to read as follows. to-wit:

§ 4. Every foreign corporation amenable to the provisions of this act which shall neglect or fail to comply with the conditions of the same as herein provided, shall be subject to a fine of not less than \$1,000, to be recovered before any court of competent jurisdiction, and any person or agent soliciting or transacting business in this State, for or in the interests of such corporation, shall be guilty of a misdemeanor and on conviction thereof shall be fined not less than \$200 nor more than \$1,000, for each offense, and costs of prosecution, and the court entering such judgment shall order the person or agent so convicted to stand committed to the county jail until the fine and costs are paid; and it is hereby made the duty of the secretary of State, as he may be advised that corporations, or agents, or persons, are doing business in contravention of this act, to report the fact to the prosecuting attorney of the county in which such corporation, agent, or person is doing business, and the prosecuting attorney shall, as soon thereafter as is practicable, or upon his own motion at any time, institute proceedings or prosecutions for the conviction of all offenders under this act, and to recover the fines herein provided for, and his compensation for such services shall be 15 per centum of the fines so assessed, the remainder to be paid into the revenue fund of the State; in addition to such penalties, on and after the going into effect of this act no foreign corporation as above defined which shall fail to

comply with this act, can maintain any suit or action, either legal or equitable, in any of the courts of this State upon any demand, whether arising out of contract or tort.

§ 2. All acts or parts of acts in conflict with this act, are hereby repealed.

APPROVED May 13, 1905.

#### NOT FOR PROFIT—RESTORATION OF CHARTERS.

Preamble.

§ 1. Restoration of canceled charters.

§ 2. Duty of Secretary of State—report to Secretary required.

§ 3. Emergency.

Approved May 13, 1905.

AN ACT to restore charters of all corporations organized not for pecuniary profit, including religious corporations, existing by virtue of any general or special law of this State prior to July 1, 1903.

WHEREAS, Pursuant to "An act requiring corporations to make annual report to the Secretary of State, and providing for the cancellation of articles of incorporation for failure to do so, and to repeal a certain act therein named," approved May 10, 1901, the cancellation of the charters of a large number of corporations organized not for pecuniary profit, including religious corporations, have been entered upon the records of the office of the Secretary of State for failure to comply with sections 2 and 7 of said act; and.

WHEREAS, In accordance with an act amending section 2 of the act of May 10, 1901, approved May 13, 1903, corporations organized not for pecuniary profit and religious corporations were exempted from making said report after July 1, 1903;

Now, THEREFORE, for the purpose of restoring the charters of all corporations organized not for pecuniary profit, including religious corporations, that have been forfeited under the act of May 10, 1901, and prior to July 1, 1903, the following act is presented.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the charters of all corporations, organized not for pecuniary profit, including religious corporations, existing by virtue of any general or special law of this State, prior to July 1, 1903, and whose charters were canceled by the Secretary of State on his records, for failing to comply with sections 2 and 7 of an act entitled "An act requiring corporations to make annual report to the Secretary of State, and providing for the cancellation of articles of incorporation for failure to do so, and to repeal a certain act therein named, approved May 10, 1901," be and the same are hereby restored.

§ 2. It is hereby made the duty of the Secretary of State to annul upon the record of his office within ten days after the first day of

March, A. D. 1906, the cancelation of the charters of all corporations organized not for pecuniary profit, including religious corporations, existing by virtue of any general or special law of this State, prior to July 1, 1903, unless such corporation has been otherwise dissolved, surrendered its charter as is by law permitted, or the name of said corporation subsequently appropriated: *Provided, however*, that such corporation prior to the first day of March, A. D. 1906, shall have reported to the Secretary of State, the present location of its principal office in this State, with town, street and number, with the date of expiration of the respective terms of office of its officers; whether or not the corporation is pursuing an active business under its charter, and the kind of business engaged in, if any, which report shall be made under the seal of the corporation and shall be signed and sworn to by the president, secretary or other officer of the corporation; and in case said corporation is in the hands of an assignee, receiver or trustee in bankruptcy, then such report shall be signed and sworn to by such assignee, receiver or trustee, as the case may be, which said report, together with a fee of one dollar for filing the same, shall be sent to the Secretary of State in whose office it shall be filed, and it is hereby made the duty of the Secretary of State to furnish proper blanks to be used in making said report upon request being made therefor.

§ 3. WHEREAS, An emergency exists, making it necessary that this act shall take effect prior to July 1, 1905, this act shall take effect from and after its passage and approval.

APPROVED May 13, 1905.

#### ORGANIZATION OF CORPORATIONS.

§ 1. Amends sections 2 and 4, act of 1872.

§ 2. How corporations are formed —  
fraudulent corporations —pro-  
visions concerning.

§ 4. Report of commissioners to Sec-  
retary of State—certificate of  
complete organization.

Approved May 16, 1905.

AN ACT entitled, "*An act to amend sections 2 and 4 of an act entitled, 'An act concerning corporations,' approved April 18, 1872, in force July 1, 1872, as amended by an act approved April 21, 1899, in force July 1, 1899.*"

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 2 and 4 of an act entitled, "An act concerning corporations," approved April 18, 1872, in force July 1, 1872, as amended by an act approved April 21, 1899, in force July 1, 1899, be, and the same are hereby amended as follows:

§ 2. Whenever any number of persons not less than three, nor more than seven, shall propose to form a corporation under this act, they shall make a statement to that effect under their hands and duly acknowledged before some officer in the manner provided for the acknowledgment of deeds, setting forth the name of the proposed



corporation, the object for which it is to be formed, its capital stock, the number of shares of which such stock shall consist, the location of the principal office and the duration of the corporation, not to exceed ninety-nine years, which statement shall be filed in the office of the Secretary of State. If the object for which said corporation is proposed to be organized is clearly and definitely stated, and is a lawful object, the Secretary of State shall thereupon issue to such persons a license as commissioners to open books for subscription to the capital stock of said corporation at such times and places as they may determine; but no license shall be issued to two companies having the same or a similar name, nor shall any foreign corporation having the same or a similar name as any domestic corporation be admitted to this State under any foreign corporation law and no domestic corporation shall hereafter be organized with the same or a similar name as any foreign corporation previously admitted to do business in this State. Upon the filing of any statement with the Secretary of State for the purpose of obtaining a license to incorporate, he may propound such interrogatories as he shall deem necessary to ascertain the true object: *Provided*, that the Attorney General may file a bill in chancery in the name of the People of the State of Illinois, against any corporation authorized to confer degrees, diplomas or other certificate or certificates of qualification in the science of medicine, pharmacy or dentistry which conducts a fraudulent business or abuses, misuses or violates the terms of its charter, in any court having jurisdiction of the corporation and subject-matter of such bill, for an injunction to restrain said corporation from conducting its business fraudulently or abusing, misusing or violating the terms of its charter and also for the dissolution of said corporation, and thereupon it shall be the duty of the court in which said bill is filed to grant such injunction and to hear and determine the same as in other cases in chancery: *And, provided, further*, that this act shall apply to schools, colleges or universities which now are, or may hereafter be licensed in this State, notwithstanding any provisions that may exist in their charters.

§ 4. The commissioners shall make a full report of their proceedings, including therein a copy of the notice provided for in the foregoing section, a copy of the subscription list, a statement of the amount of the capital, not less than one-half actually paid in, the amount of such capital not paid in, what disposition has been made of stock subscribed and not paid, and if any proportion of the capital has been paid in property, the same shall be appraised by said commissioners and they shall report the fair cash value thereof; the names of the directors or managers elected and their respective terms of office, which report shall be sworn to by at least a majority of the commissioners and shall be filed in the office of the Secretary of State. The Secretary of State shall thereupon issue a certificate of the complete organization of the corporation, making a part thereof a copy of all the papers filed in his office in and about the organization of the corporation, and duly authenticated under his hand and seal of State, and the same shall be recorded in a book for that purpose, in the office of the recorder of deeds of the county where the principal office of

such company is located. Upon the recording of the said copy, the corporation shall be deemed fully organized and may proceed to business. Unless such company shall be organized and shall proceed to business as provided in this act within two years after the date of such license, then such license shall be deemed revoked, and all proceedings thereunder void.

APPROVED May 16, 1905.

## COUNTIES.

### BOND ISSUE FOR INDEBTEDNESS.

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|--|--|
| § 1. Submission of question to vote of people. | § 7. Bonds—when payable—interest.                      |
| § 2. Special election—notice—form of notice.   | § 8. Sale of bonds regulated.                          |
| § 3. Posting notices.                          | § 9. Proceeds of bond sale constitute a separate fund. |
| § 4. Election—how conducted.                   | § 10. Tax levy to pay interest.                        |
| § 5. Form of ballot.                           |  |
| § 6. Bonds—who shall sign.                     | Filed May 13, 1905.                                    |

*AN ACT to enable county boards to issue the bonds of their respective counties for the purpose of paying outstanding indebtedness of such counties and to provide for the submission of the question of issuing such bonds to a vote of the voters of such counties.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That when any county shall have audited or allowed claims for county expenses or county purposes which are outstanding and which when added to the sum levied for county purposes exceed the sum of seventy-five cents on the one hundred dollars valuation of property, the county board may, by an order entered of record setting forth substantially the amount of such outstanding claims provide for the submission of the question of issuing the bonds of the county for such sum as may be reasonably necessary for the purpose, to a vote of the people of the county at the next election of county officers after the passage of such resolution or at a special election called by said county board for that purpose.

§ 2. When a special election is called for the purpose mentioned in the foregoing section, the county board shall fix the date for holding the same and at least twenty days previous to such date, the county clerk, in counties not under township organization, shall make out and deliver to the sheriff of his county, or in counties under township organization, to the several supervisors of his county, three notices thereof for each precinct or district in which the election in such county is to be held. The notice may be substantially as follows:

“Notice is hereby given that on (give the date) at (give the place of holding the election and the name of the precinct or district) in the county of (give the name of the county) a special election will be

held for the purpose of voting upon the question of issuing the bonds of said county for the purposes mentioned in an order of the county board of said county made and entered of record on the.....day of .....A. D., 190.... (give the date of the order), which election will be opened at eight o'clock in the forenoon of that day."

§ 3. The said sheriff or supervisor to whom the notices are delivered shall post up in three of the most public places in each precinct or district, the three notices therefor at least fifteen days before the time of holding such special election.

§ 4. All special elections held under this act shall be conducted by the same judges and clerks who presided at the next preceding election for county officers in said county, and the said election shall be conducted and returns thereof shall be made and canvassed as nearly as may be in the manner provided by law for the holding of general elections for county officers, except that no registration of voters shall be made or required.

§ 5. The votes in favor of the proposition to issue bonds, at either a general or special election, shall be "For issuing bonds," and those against shall be "Against issuing bonds," and if a majority of the votes cast upon the question are "For issuing bonds" then the county board shall have power to cause to be issued bonds of said county in accordance with the terms of the order in the first section of this act mentioned.

§ 6. The bonds issued under the authority of this act shall be signed in the name of the county by the chairman of the board of county commissioners in counties not under township organization, and by the chairman of the board of supervisors in counties under township organization, and shall be countersigned by the county clerk and shall have the seal of the county attached thereto.

§ 7. The bonds issued by authority of this act shall be payable at such time or times as the county board may in said order determine, not exceeding, however, twenty years from the date of issue, and shall bear interest at such rate per annum as shall by said order be fixed, not exceeding five per cent.

§ 8. The said bonds, or such as may be necessary, shall be sold to the highest bidder under the direction of the county board by receiving sealed bids therefor, but no bond shall be sold for less than par and accrued interest, and at least fifteen days' notice of the time and place of receiving bids for such bonds shall be given by the county clerk by publication thereof for at least two successive weeks in some newspaper of general circulation in said county.

§ 9. The money realized from the sale of said bonds or any of them shall be kept as a separate fund and disbursed only for the purpose for which they were issued: *Provided*, that any surplus that may remain after the payment of all demands against said funds may be used for other county purposes.

§ 10. The county board of each county issuing bonds under the provisions of this act, shall include in the amounts of all taxes to be raised for county purposes in each year a sum sufficient to pay the

accruing interest on such bonds and also a sufficient sum to be set apart as a sinking fund to be accumulated and used for the payment of the principal of said bonds at their maturity.

FILED May 13, 1905.

This bill having remained with the Governor for a period of ten days (Sundays excepted) after it had been presented to him, and he not having returned it with his objections to the General Assembly, nor filed with it, in the office of the Secretary of State, his objections thereto, it becomes a law in like manner as if he had signed it.

Witness my hand this 13th day of May, A. D. 1905.

JAMES A. ROSE,  
Secretary of State.

#### JUDGMENTS AGAINST COUNTIES—HOW PAID.

§ 1. Amends section 34, act of 1874.

Approved May 13, 1905.

§ 34. Order for payment of judgment  
—tax levy to pay judgment—  
installments.

AN ACT to amend section thirty-four (34) of an act entitled, "An act to revise the law in relation to counties," approved and in force March 31, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section thirty-four (34) of an act entitled, "An act to revise the law in relation to counties," approved and in force March 31, 1874, be amended to read as follows:

§ 34. Execution shall not, in any case, issue against the lands or other property of a county; but when judgment is rendered against a county, the county board shall direct an order to be drawn on the county treasurer for the amount of the judgment and costs, which orders shall be paid as other county debts.

(a.) Whenever the county board in any county shall in any year determine the amount of all taxes to be raised for county purposes, such board shall include among the purposes for which such taxes are to be raised the payment of any outstanding judgment or judgments against such county for the payment of which no other provisions has [have] been made.

(b.) The county board may provide for the payment of any such judgment or judgments and the interest thereon in equal annual installments, not exceeding however ten (10) in number, and may include one of such installments in the amount of taxes to be raised for county purposes in each year, but the aggregate amount of all taxes to be raised for county purposes shall not in any year exceed the rate of seventy-five (75) cents on the one hundred dollars (\$100) valuation of property unless authorized by a vote of the people of the county.

APPROVED May 13, 1905.



## COUNTY COMMISSIONERS OF COOK COUNTY.

## § 1. Amends section 61, act of 1874.

§ 61. Oath of commissioners—title of board. 1st—time of regular meetings; 2nd to 9th—general powers and duties of board enumerated; 10th—appointment of civil service commission; 11th—removal of commissioners; 12th—classification; 13th—rules; 14th—publication of rules; 15th—examinations; 16th—notice of examinations; 17th—registers; 18th—promotions; 19th—appointments; 20th—exemptions; 21st—removals; 22d—reports to commission; 23d—investigations; 24th—reports of commission; 25th—officers of commission; 26th—county officers to aid; 27th—salaries

and expenses; 28th—appropriations; 29th—frauds prohibited; 30th—receiving political contributions; 31st—soliciting political contributions; 32d—assessments in offices prohibited; 33d—payments to public officers prohibited; 34th—abuse of political influence; 35th—payment for places; 36th—recommendations on account of political service; 37th—auditing officers; 38th—appointments and removals; 39th—payment of salaries; 40th—compelling testimony; 41st—penalties; 42d—penalties; 43d—What officers to prosecute.

Approved May 18, 1905.

*AN ACT to amend section sixty-one (61) of an act entitled, "An act to revise the law in relation to counties," approved March 31, 1874, as amended by acts of May 20, 1879, June 14, 1887, and June 26, 1895.*

**SECTION 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section sixty-one (61) of an act entitled, "An act to revise the law in relation to counties," approved March 31, 1874, as amended by acts of May 20, 1879, June 14, 1887, and June 26, 1895, be and the same is hereby amended to read as follows:

§ 61. The said commissioners shall, severally, before they enter upon the discharge of their duties, take the oath of office prescribed by the Constitution, and they shall be known as the Board of Commissioners of Cook county, and as such board shall possess the powers, perform the duties and be subject to the rules, regulations and restrictions hereinafter specified, that is to say:

*First.* Said board of commissioners shall hold regular meetings on the first Monday of December, January, February, March, June and September in each year. It shall be the duty of the president of the board of commissioners to call special meetings of the board whenever in his opinion the same may be necessary; and he shall preside at all of the meetings of said board, and generally perform the duties usually performed by a presiding officer: *Provided*, that in the absence of the president, or of his inability to act, a president *pro tempore* may be elected, who shall during such absence or inability, possess all the powers and perform all the duties by law vested in and required of the president.

*Second.* The president of the board of commissioners shall have the same privilege of voting as any other commissioner; but he shall not have a casting vote upon any question upon which he has voted as commissioner.

*Third.* All resolutions or motions whereby any money shall be appropriated or by virtue of which any contract shall be made or any act done which may, directly or indirectly, or in any manner whatever, create any pecuniary liability on the part of said county, shall be submitted to said board of commissioners in writing or reduced to writing before any vote shall be taken thereon, and if adopted by the board, the same shall not take effect until after the same shall have been approved in writing by the president of said board, except as hereinafter provided. It shall be the duty of the clerk of said board to deliver to the president thereof, upon his request, the original (or a copy) of each resolution or motion so passed or adopted by said board as aforesaid within one day after its passage or adoption, and in case the president approves thereof, he shall sign the same and it shall thereupon be in full force and effect. In case the president shall not approve any such resolution or motion, he shall, within five days after the receipt of the same as aforesaid, return it to the clerk of the said board, with his objections thereto in writing. Such veto by the president may extend to any one or more items or appropriations contained in any resolution making an appropriation or to the entire resolution, and in case the veto only extends to a part of such resolution making an appropriation the residue thereof not embraced within the veto shall take effect and be in force from the time of the receipt by said clerk of such veto of such part. Upon the return of any such resolution or motion by the president, with his objections thereto as aforesaid, the vote by which the same was passed shall be reconsidered by the board of commissioners as to so much thereof as may have been vetoed; and if, after such reconsideration, four-fifths of all the members elected to the board shall agree to pass the same by yeas and nays, to be entered on the journal, the same shall take effect, notwithstanding the president may have refused to approve thereof. In case the president shall fail or omit to either sign and approve or return with his objections as aforesaid any such motion or resolution which shall have been passed or adopted by the board within six days after it shall have been so passed or adopted, the same shall take effect without the approval of the president.

*Fourth.* Said board of commissioners shall have the management of the affairs of said Cook county in the manner provided by law, and may exercise the same powers, perform the same duties, and shall be subject to the same rules, regulations and penalties prescribed by law for the board of supervisors in other counties, except as herein otherwise provided, and shall also be subject to the rules, regulations and restrictions herein provided.

*Fifth.* The said board of commissioners shall have no power or authority to delegate to any committee or other person or persons the "power to act" when such "power to act" shall involve the letting of any contract or the expenditure of public money exceeding the sum of five hundred dollars (\$500) and any action of said board, or of any committee thereof, or of any other person or persons in violation of this section, shall be null and void. No money shall be appropriated

or ordered paid by said county commissioners beyond the sum of five hundred dollars (\$500) unless such appropriation shall have been authorized by a vote of at least two-thirds of the members elected to the said county board. And no officer of Cook county or other person shall incur any indebtedness on behalf of the county unless first authorized by said board of commissioners.

*Sixth.* Said board of commissioners shall, within the first quarter of each fiscal year, adopt a resolution, to be termed the annual appropriation bill, in and by which resolution said board shall appropriate such sums of money as may be necessary to defray all necessary expenses and liabilities of said Cook county, to be by said county paid or incurred during and until the time of the adoption of the next annual appropriation bill under this section: *Provided*, that said board shall not expend any money or incur any indebtedness or liability on behalf of said county in excess of the percentage and several amounts now limited by law, and based on the limit prescribed in the Constitution, when applied to the last previous assessment. Said appropriation bill shall specify the several objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose. If the Legislature shall by law provide, or shall at any time appear to have by law provided, for the publication of the assessment of real or personal property, or both, to be paid for out of the county treasury, then said board of commissioners shall in each year, while such publication is required, make due provision for the cost thereof by sufficient appropriation in such resolution, which said appropriation shall take precedence over all other appropriations contained in such resolution, excepting the provision for principal and interest of county indebtedness, the ordinary, current salaries of county officials and employes, the maintenance of county property and institutions, (including courts and juries), dieting occupants of the jails, prisons, hospitals and industrial schools, and the cost of elections required by law. Such appropriations shall take precedence of any appropriation for contingent fund or building fund; and if the tax actually collected in any such year shall be less than the total amount of the appropriations contained in said resolution, the items of appropriation following in such resolution after such appropriation for publishing assessments, in the order herein directed, shall be first abated, before the appropriation for such publication of tax assessments shall be reduced. The vote of said board of commissioners upon said appropriation bill shall be taken by yeas and nays, and the same shall be entered upon the journal. Such appropriation bill shall not take effect until after it shall have been once published in a newspaper published in Chicago, and said board shall provide for and cause said appropriation bill to be published as aforesaid. After the adoption of such appropriation bill or resolution, the said board of commissioners shall not make any further or other appropriations prior to the adoption or passage of the next succeeding annual appropriation bill, and the said board of commissioners shall have no power, either directly or indirectly, to make any contract or to do any act which



shall add to the county expenditures or liabilities in any year, any thing or sum over and above the amount provided for in the annual appropriation bill for that fiscal year. No contract shall hereafter be made, or expense or liability incurred by the said board of commissioners, or any member or committee thereof, or by any person or persons, for or in its behalf, notwithstanding the expenditure may have been ordered by the said board of commissioners, unless an appropriation therefor shall have been previously made by said board in manner aforesaid: *Provided, however*, that nothing herein contained shall prevent the board of commissioners, by a concurring vote of four-fifths of all the commissioners (said vote to be taken by yeas and nays and entered upon the journal) from making any expenditures or incurring any liability rendered necessary, by any unforeseen casualty by fire, flood or otherwise, happening after the annual appropriation bill shall have been passed or adopted. Nor shall anything herein contained be construed to deprive the board of power to provide for and cause to be paid from the county funds any charge upon said county imposed by law, without the action of the board of commissioners, including fixed salaries of officers required by law to be paid from the county treasury, and to pay jurors' fees and other charges fixed by law.

*Seventh.* The board of commissioners shall establish and provide for the appointment of a committee on finance and a committee on public service. There shall be a superintendent of public service to be appointed by the president by and with the consent of the board of commissioners, who shall hold his office for one year and until his successor is appointed; he may be suspended or removed by the president: he shall give a sufficient bond for the performance of his duties, and be subject to the oversight and supervision of the committee on public service. It shall be the duty of the superintendent, under authority of the board of commissioners, to purchase, receive and distribute all supplies necessary for the use and service of Cook county and its various institutions, of whatever nature, except those which are by law otherwise expressly provided for, and to keep accurate accounts of and vouchers for the same, which shall be open to the inspection of the president and the committee on public service and to the public; he shall also perform all other duties relative to the public service which may be assigned to him by the board of commissioners, who shall make and maintain regulations for the conduct and government of the department of public service and not inconsistent with this act.

*Eighth.* All contracts for supplies, material and work for the County of Cook shall be let to the lowest responsible bidder, after due advertisement; but if, in case of any emergency, it is necessary to purchase supplies not exceeding in amount \$500, such purchase may be made by the superintendent in the open market, on authority given to him by the board of commissioners or the committee on public service. All contracts for supplies, material or work for Cook county shall be



approved by the board of commissioners and signed by the president of the board, the superintendent of public service and the comptroller. Supplies shall be issued only on the requisitions of the responsible officers of the county institutions now or hereafter established by law, approved by the committee on public service.

*Ninth.* All officers and employés of the County of Cook, in the classification hereinafter provided for, except those whose election or appointment is otherwise provided for by law, and except those enumerated in paragraph twentieth of this section, shall be appointed by the president of the board according to the provisions of this section, the salaries or rate of compensation of all officers and employés of said county, when not otherwise provided by law, shall be fixed by the board of commissioners and shall be fixed prior to the adoption of the annual appropriation, and shall not be changed during the year for which the appropriation is made; the board of commissioners shall also determine whether any or what amount of bond any officer or employé shall give.

*Tenth.* CIVIL SERVICE COMMISSION.] The president of the county board shall at the first regular meeting of the first day after July A. D. 1895, appoint three persons, who shall constitute and be known as the Civil Service Commission of said county, one for a term ending on the first Monday of December, A. D. 1895, one for a term ending on the first Monday of December, A. D. 1896, and one ending on the first Monday of December, A. D. 1897, and until their respective successors are appointed and qualified, and at the respective dates above named or soon thereafter the president shall in like manner appoint one person as the successor or a commission whose term shall then expire, to serve as a commissioner for three years, and until his successor is in like manner appointed and qualified. Two commissioners shall constitute a quorum; all appointments to such commission, both original and to fill vacancies, shall be so made that not more than two members shall at the time of appointment be members of the same political party. Said commissioner shall hold no other lucrative office or employment under the United States, the State of Illinois, or any municipal corporation or political division thereof. Each commissioner before entering upon the duties of his office shall take the oath prescribed by the Constitution of this State.

*Eleventh.* REMOVAL OF COMMISSIONERS—VACANCY.] The president may, in his discretion, remove any commissioner for incompetence, neglect of duty or malfeasance in office. The president shall at the next regular meeting report in writing any such removal to the board with his reasons therefor. Any vacancy in the office of civil service commissioner shall be filled by appointment by the president.

*Twelfth.* CLASSIFICATION.] Said commissioners shall classify all the offices and places of employment in said county with reference to the examinations hereinafter provided for, except those offices and places mentioned in the twentieth paragraph of this section. The offices and places so classified by the commission shall constitute the

classified civil service of said county and no appointments to any of such offices or places or removals therefrom shall be made, except under and according to the rules hereinafter mentioned.

*Thirteenth. RULES.]* Said commission shall make rules to carry out the purposes of this act, and for examinations, appointments and removals in accordance with its provisions, and the commission may from time to time make changes in the original rules.

*Fourteenth. PUBLICATION OF RULES—TIME OF TAKING EFFECT.]* All rules made as hereinbefore provided, and all changes therein shall forthwith be printed for distribution by said commission; and the commission shall give notice of the place or places where said rules may be obtained, by publication in one or more daily newspapers published in such county, and in each such publication shall be specified the date, not less than ten days subsequent to the date of such publication, when said rules shall go into operation.

*Fifteenth. EXAMINATIONS.]* All applicants for offices or places in said classified service, except those mentioned in the twentieth paragraph of this section, shall be subjected to examination, which shall be public, competitive and free to all citizens of the United States, with specified limitations as to residence, age, health, habits and moral character. Such examinations shall be practical in their character and shall relate to those matters which will fairly test the relative capacity of the persons examined to discharge the duties of the positions to which they seek to be appointed, and shall include tests of physical qualifications and health, and when appropriate, of manual skill. No questions in any examination shall relate to political or religious opinion or affiliations. The commission shall control all examinations and may, when an examination is to take place, designate a suitable number of persons, either in or not in the official service of said county, to be examiners; and it shall be the duty of such examiners, and, if in the official service, it shall be a part of their official duty, without extra compensation, to conduct such examination as the commission may direct, and make return or report thereof to said commission, and the commission may at any time substitute any other person, whether or not in such service, in the place of any one selected; and the commission may themselves at any time act as such examiners, and without appointing examiners. The examiners at any examination shall not all be members of the same political party.

*Sixteenth. NOTICE OF EXAMINATIONS.]* Notice of the time and place and general scope of every examination shall be given by the commission by publication for two weeks preceding such examination in a daily newspaper of general circulation published in said county, and such notice shall also be posted by said commission in a conspicuous place in their office for two weeks before such examination. Such further notice of examination may be given as the commission shall prescribe.

*Seventeenth. REGISTERS.]* From the returns or reports of the examiners, or from the examinations made by the commission, the com-

mission shall prepare a register for each grade or class of positions in the classified service of said county of the person whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of such commission, and who are otherwise eligible; and such persons shall take rank upon the registers as candidates in the order of their relative excellence as determined by examination, without reference to priority of time of examination. Said commission may strike off names of candidates from the register after they have remained thereon for more than two years.

*Eighteenth. PROMOTIONS.]* The commission shall, by its rules, provide for promotion in such classified service on the basis of ascertained merit, examination and seniority in service, and shall provide, in all cases where it is practicable, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of the next lower rank as desire to submit themselves to such examination; and it shall be the duty of the commission to submit to the appointing power the names of not more than three applicants for each promotion having the highest rating. The method of examination and the rules governing the same, and the method of certifying shall be the same as provided for applicants for original appointment.

*Nineteenth. APPOINTMENTS TO CLASSIFIED SERVICE.]* The head of the institution, department or office in which a position classified under this act is to be filled, shall notify the president of the board and said commission of that fact, and said commission shall certify to the appointing officer the name and address of the candidate standing highest upon the register for the class or grade said position belongs to, except that in case of laborers, where a choice by competition is impracticable, said commission may provide by its rules that the selection shall be made by lot from among those candidates proved fit by examination. In making such certification, sex shall be disregarded, except when some statute, the rules of said commission or the appointing power specifies sex. Said appointing officer, meaning thereby the president of said board, shall notify said commission of each position to be filled separately, and shall fill such place by the appointment of the person certified by said commission therefor, which appointment shall be on probation for a period to be fixed by said rules. At or before the expiration of the period of probation, the officer having the power of appointment may, with the consent of said commission, discharge such person so appointed on probation, upon assigning in writing to said commission his reasons therefor.

*Twentieth. EXEMPTIONS.]* The president of the Board of Commissioners of Cook county shall with the advice and consent of the board appoint the warden of the county hospital, the superintendent of the insane asylum and poor house, the county agent, the county physician, the custodians of court house and criminal court building, the county



attorney, the county architect, the committee clerk of the county board, and the said officers and the superintendent of public service shall not be included in the said classified service.

*Twenty-first. REMOVALS AND REDUCTION.]* Removals from the classified service or reduction in grade or compensation, or both, may be made in any department of the service by the head of such department for any cause which will promote the efficiency of the service; but only on written specifications by the officer making the removal or reduction; and the person sought to be removed or reduced shall have notice and shall be served with a copy of the specifications and be allowed reasonable time for answering the same in writing; and a copy of the notice, specifications, answer and of the order of removal or reduction shall be filed with the Civil Service Commission. The said commission shall investigate any removal or reduction which it has reason to believe has not been made in accordance with the provisions of this section, and it may in any case investigate any removal or reduction, and then in accordance with its findings, approve or disapprove the same. The finding and decision of the said commission shall in every case be final, and shall be certified to the appointing officer, and shall be forthwith enforced by such officer. A copy of said papers in each case shall be made a part of the record of the division of the service in which the removal or reduction is made. Nothing in this act shall limit the power of any officer to suspend a subordinate, without pay, for cause assigned in writing, for a reasonable period, not exceeding thirty days.

In the course of an investigation of charges, each member of the Civil Service Commission shall have the power to administer oaths, and shall have the power to secure by its subpoena, both the attendance and testimony of witnesses, and the production of books and papers relevant to such investigation.

*Twenty-second. REPORT TO COMMISSION.]* Immediate notice in writing shall be given by the appointing power to said commission of all appointments, permanent or temporary, made in such classified civil service, and of all transfers, promotions, resignations or vacancies from any cause in such service and of the date thereof; and a record of the same shall be kept by said commission. When any office or place of employment is created or abolished, or the compensation attached thereto altered, the officer or board making such change shall immediately report it in writing to said commission.

*Twenty-third. INVESTIGATIONS.]* The commission shall investigate the enforcement of this act and its rules, and the action of examiners herein provided for, and the conduct and action of the appointees in the classified civil service of said county. In the course of such investigation each commissioner shall have power to administer oaths, and said commission shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to such investigations.

*Twenty-fourth. REPORTS OF COMMISSION.]* Said commission shall, on or before the first Monday of September of each year, make to the president for transmission to the board of commissioners a report



showing its own action, the rules in force, the practical effects thereof, and any such suggestions it may approve for the more effectual accomplishment of the purposes of this act. The president may require a report from said commission at any time.

*Twenty-fifth.* The Civil Service Commission shall select one of their own number to act as chairman and one as secretary. The secretary shall keep the minutes of its proceedings, preserve all reports made to it, keep a record of all examinations held under its direction and perform such other duties as the commission shall require.

*Twenty-sixth.* OFFICERS TO AID—ROOMS.] All officers of said county shall aid said commission in all proper ways in carrying out the provisions of this act, and at any place where examinations are to be held shall allow the reasonable use of public buildings for holding such examinations. The board of county commissioners shall cause suitable rooms to be provided for said commission at the expense of said county.

*Twenty-seventh.* SALARIES AND EXPENSES.] Each of said civil service commissioners shall receive a salary of fifteen hundred dollars a year, and said commission may also incur expenses not exceeding five hundred dollars a year for printing, stationery and other incidental matters.

*Twenty-eighth.* APPROPRIATIONS.] A sufficient sum of money shall be appropriated each year by said board to carry out the provisions of this act in said county. If the board shall have already made the annual appropriation for county purposes for the current fiscal year, the board is authorized and required to pay the salaries and expenses of the civil service commission for such fiscal year out of the moneys appropriated for contingent purposes by said board.

*Twenty-ninth.* FRAUDS PROHIBITED.] No person or officer shall wilfully or corruptly, by himself or coöperation with any one or more other persons, defeat, deceive or obstruct any person in respect to his or her right of examination, or corruptly or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder, or aid in so doing, or wilfully or corruptly make any false representation concerning the same or concerning the person examined, or wilfully or corruptly furnish to any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined or to be examined being employed or promoted.

*Thirtieth.* NO OFFICER TO SOLICIT OR RECEIVE POLITICAL CONTRIBUTIONS.] No officer or employé in the classified civil service of said county or named in the twentieth paragraph of this section shall solicit, orally or by letter, or receive or pay, or be in (any) manner concerned in soliciting, receiving or paying any assessments, subscriptions or contributions for any party or political purposes whatever.

*Thirty-first.* NO PERSON TO SOLICIT POLITICAL CONTRIBUTIONS FROM OFFICERS OR EMPLOYES.] No person shall solicit orally or by letter, or be in any manner concerned in soliciting any

assessment, contribution or payment. for any party or for any political purpose whatever, from any officer or employé in the classified civil service of said county or named in the twentieth paragraph of this section.

*Thirty-second.* ASSESSMENTS AND CONTRIBUTIONS IN PUBLIC OFFICES FORBIDDEN.] No person shall in any room or building occupied for the discharge of official duties by any officer or employé in the classified civil service of said county, or named in the twentieth paragraph of this section, solicit, orally or by written communication, deliver therein or in any other manner, or receive any contribution of money or other thing of value, for any party or political purpose whatever. No officer, agent, clerk or employe in the classified civil service of said county or named in the twentieth paragraph of this section, who may have charge or control of any building, office or room, occupied for any purpose of said government, shall permit any person to enter the same, for the purpose of therein soliciting or delivering written solicitations for, or receiving or giving notice of any political assessment.

*Thirty-third.* PAYMENTS OF POLITICAL ASSESSMENTS TO PUBLIC OFFICERS FORBIDDEN.] No officer or employé in the classified civil service of said county or named in the twentieth paragraph of this section shall, directly or indirectly, give or hand over to any officer or employé or to any senator or representative or alderman, councilman or commissioner, any money or other valuable thing on account of or to be applied to the promotion of any party or political object whatever.

*Thirty-fourth.* ABUSE OF POLITICAL INFLUENCE PROHIBITED.] No officer or employé in said classified service or named in the twentieth paragraph of this section shall discharge or degrade or promote, or in any manner change the official rank or compensation of any other officer or employé, or promise or threaten to do so, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any party or political purpose, or for refusal or neglect to render any party or political service.

*Thirty-fifth.* PAYMENT FOR PLACE PROHIBITED.] No applicant for appointment in said classified civil service or to a position named in the twentieth paragraph of this section, either directly or indirectly, shall pay, or promise to pay any money or other valuable thing to any person whatever for or on account of his appointment, or proposed appointment, and no officer or employé in said civil service or named in said paragraph shall pay or promise to pay, either directly or indirectly, any person any money or other valuable thing whatever for or on account of his promotion.

*Thirty-sixth.* RECOMMENDATION IN CONSIDERATION OF POLITICAL SERVICE PROHIBITED.] No applicant for appointment or promotion in classified civil service shall ask for or receive a recommendation for assistance from any officer or employé in said service, or of any person upon the consideration of any political service to be rendered to or for such person or for the promotion of such person to any office or appointment.

*Thirty-seventh.* AUDITING OFFICER.] No accounting or auditing officer shall allow the claim of any public officer for services of any deputy or other person employed in the public service in violation of the provisions of this act.

*Thirty-eighth.* APPOINTMENTS AND REMOVAL TO BE CERTIFIED TO THE COMPTROLLER.] The commission shall certify to the county clerk or other auditing officers, all appointments to offices and places in the classified civil service, and all vacancies occurring therein, whether by dismissal, resignation or death, and all findings made or approved by the commission under the provisions of the twenty-first paragraph of this section, that a person shall be discharged from the classified service.

*Thirty-ninth.* COMPTROLLER TO PAY SALARIES, ONLY AFTER CERTIFICATION.] No county clerk, comptroller or other auditing officer of said county shall approve the payment of, or be in any manner concerned in paying any salary or wages to any person for services as an officer or employé of said county unless such person is occupying an office or place of employment according to the provisions of law and is entitled to payment therefor.

*Fortieth.* COMPELLING TESTIMONY OF WITNESSES—PRODUCTION OF BOOKS AND PAPERS.] Any person who shall be served with a subpoena to appear and testify, or to produce books and papers, issued by the commission or by any commissioners, or by any board or person acting under the orders of the commission in the course of an investigation conducted either under the provisions of the twenty-first or twenty-third paragraph of this section, and who shall refuse or neglect to appear or testify, or to produce books and papers relevant to said investigation as commanded in such subpoena, shall be guilty of a misdemeanor, and shall, on conviction, be punished as provided in the forty-first paragraph of this section. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts, and shall be paid from the appropriation for the expenses of the commission. And [any] circuit court or any judge thereof, either in term time or vacation, upon application of any such commissioner or officer or board may, in his discretion, compel the attendance of witnesses, the production of books and papers, and giving of testimony before the commission, or before any such commissioner, investigating board or officer, by attachment for contempt or otherwise in the same manner as the production of evidence may be compelled before said court. Every person who, having taken an oath or made affirmation before a commissioner or officer appointed by the commission authorized to administer oaths, shall swear or affirm wilfully, corruptly and falsely, shall be guilty of perjury and upon conviction shall be punished accordingly.

*Forty-first.* PENALTIES.] Any person who shall wilfully, or through culpable negligence, violate any of the provisions of this act or any rule promulgated in accordance with the provisions thereof, shall be guilty of a misdemeanor and shall, on conviction thereof, be

punished by a fine of not less than fifty dollars, and not exceeding one thousand dollars, or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment in the discretion of the court.

*Forty-second.* PENALTIES—DISQUALIFICATION TO HOLD OFFICE.] If any person shall be convicted under the next preceding section, any public office or place of public employment which such person may hold, shall, by force of such conviction, be rendered vacant, and such person shall be incapable of holding any office or place of public employment for the period of five years from the date of such conviction.

*Forty-Third.* WHAT OFFICERS TO PROSECUTE.] Prosecutions for violations of this act may be instituted either by the Attorney General, the State's attorney for the county in which the offense is alleged to have been committed, or by the commission acting through special counsel. Such suits shall be conducted and controlled by the prosecuting officers who institute them, unless they request the aid of other prosecuting officers. [As amended by act which became a law June 26, 1895. In force July 1, 1895.

APPROVED May 18, 1905.

## COURTS.

### CIRCUIT COURTS—BRANCHES ESTABLISHED

- § 1. Branch courts may be held in any county.
- § 2. Docket of branch courts — transferred cases.
- § 3. Shorthand reporter provided for.

- § 4. Duty of circuit clerk and sheriff.
  - § 5. Rules of practice and procedure.
- Approved May 16, 1905.

*AN ACT to provide for the holding of a branch circuit court in each county of this State at the same time the regular term of the circuit court is being held in and for such county; and to provide for the proceedings to be had in such courts.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be lawful to hold a branch circuit court in any county in this State at the same time that the main or regular circuit court for such county is in session, or at any time during the same term, by any circuit judge of the same circuit in which such county is situated or by any judge of any other circuit called in as provided by law, for the purpose of hearing and deciding motions and settling the issues in any, or all, causes pending in such court, and for the purpose of hearing chancery causes and cases at law which are pending in such court for that term. In



case the business in such branch of the court shall require the presence of a jury, it may be ordered by any judge of the circuit and shall be summoned in the same manner as jurors are summoned for the circuit court, and jurors so summoned shall serve in either division of the court in which their services may be required in the same manner as is or may be provided by law for judges [juries] in circuit courts.

§ 2. It shall be the duty of each clerk of the circuit court to keep a docket for such branch court and when a branch court is to be, or is being held, the presiding judge of the main circuit court shall assign to such branch court as many of the law and chancery cases to be heard with or without a jury and other cases for the settling of issues therein, as the presiding judge of such branch court shall have time to hear or try: *Provided*, that all such cases so transferred shall nevertheless remain on the original docket for final disposition if they are not finally disposed of in such branch court.

§ 3. A court short-hand reporter may be employed on such branch courts by the presiding judge thereof, in the same manner as is now by law provided for the appointment of reporters for circuit courts, who shall perform the same duties and be entitled to the compensation provided by law for such reporter for the days actually employed.

§ 4. The clerk of the circuit court and the sheriff of the county in and for which such courts are held, or their respective deputies, shall attend such courts when in session and perform the same duties as are now required of them in the circuit court.

§ 5. Both of such circuit courts shall be governed by the same rules of practice and procedure as have been or shall be adopted and put in force by the circuit court in and for such county.

APPROVED May 16, 1905.

#### CIRCUIT COURTS—SHORT-HAND REPORTERS.

§ 1. Amends section 1, act of 1887.

Approved May 13, 1905.

§ 1. Appointment of shorthand reporters regulated.

*AN ACT to amend section one of an act entitled, "An act to authorize the judges of the circuit courts to appoint short-hand reporters for the taking and preservation of evidence, and to provide for their compensation," approved May 31, 1887, in force July 1, 1887.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly: That section one of an act entitled, "An act to authorize the judges of the circuit courts to*

appoint short-hand reporters for the taking and preservation of evidence, and to provide for their compensation." approved May 31, 1887, in force July 1, 1887, be amended to read as follows:

Section 1. That the several judges of the circuit courts in this State be, and they are hereby, authorized to appoint a short-hand reporter for their respective courts, whose duty shall be as hereinafter specified. The reporter so appointed shall hold his position during the pleasure of the judges so appointing him, not, however, to extend beyond the time the judges making such appointment shall be elected for: *Provided, however*, that in case of the absence or disability of the reporter so appointed the presiding judge may appoint any other reporter to act in his place during such absence or disability: *And, provided, further*, that in counties whose territory is co-extensive with the territory of one circuit, there shall not be appointed after the passage of this act any official reporters, by any judge of said county, except when authorized by the county board, and their salary or per diem fixed by said board.

APPROVED May 13, 1905.

#### CIRCUIT COURT—TERMS, FIRST CIRCUIT.

§ 1. Gives additional term to Saline county. | Approved April 7, 1905.

§ 2. Emergency.

AN ACT to provide one additional term of the circuit court in the county of Saline.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That hereafter there shall be held in the county of Saline, one additional term of the circuit court, to commence on the second Monday in the month of June, in each and every year: *Provided*, that neither grand nor petit jury shall be summoned for said term, except by order of the court.

§ 2. WHEREAS, An emergency exists, this act shall be in force from and after its passage.

APPROVED April 7, 1905.

#### CIRCUIT COURTS—TERMS, FOURTH CIRCUIT.

§ 1. Amends section 5, act of 1879.

Approved April 7, 1905.

§ 5. Fixes time for holding court in  
4th district.

AN ACT to amend section five (5) of an act entitled, "An act to amend an act concerning circuit courts, and to fix the time for holding the same in the several counties in the judicial circuits of the State of Illinois, exclusive of the county of Cook," approved May 24, 1879, in force July 1, 1879, approved June 11, 1897, in force July 1, 1897, and as further amended May 13, 1903, in force July 1, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section five (5) of an

act entitled, "An act to amend an act concerning circuit courts, and to fix the time for holding same in the several counties in the judicial circuits of the State of Illinois exclusive of the county of Cook," approved May 24, 1879, in force July 1, 1879, as amended June 11, 1879, in force July 1, 1897, and as further amended May 13, 1903, in force July 1, 1903, be and the same is hereby amended so as to read as follows:

§ 5. Fourth District. In the county of Marion on the second Monday of January and the fourth Mondays of April and September: *Provided*, that no grand jury shall be summoned for the January term of Marion county; in the county of Clinton on the second Mondays of May and November; in the county of Clay on the second Mondays of March and September; in the county of Fayette on the second Mondays of February and May and the fourth Monday of August; in the county of Effingham on the third Mondays of March and October; in the county of Jasper on the second Monday of April and the first Monday of October; in the county of Montgomery on the third Monday of January and first Mondays of April and November; in the county of Shelby on the fourth Monday of March and the first Monday of June and the second Monday of November; in the county of Christian on the second Monday of March and fourth Mondays of August and November: *Provided*, the June term in Shelby county shall have no juries summoned, unless the same is done on the written order of the judge, made thirty (30) days prior to the first day of the term.

APPROVED April 7, 1905.

#### COUNTY COURTS—CHAMPAIGN AND DOUGLAS COUNTIES.

§ 1. Amends sections 18 and 29, act of 1874.

§ 29. Fixes term in Douglas county.

§ 18. Fixes term in Champaign county.

Approved May 16, 1905.

AN ACT to amend sections 18 and 29 of an act entitled, "An act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time of holding the same, and to repeal an act therein named," approved March 26, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 18 and 29, of an act entitled, "An act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March 26, 1874, in force July 1, 1874, be, and the same is hereby amended, so as to read as follows:

§ 18. Champaign in May and November.

§ 29. In the county of Douglas, on the third Monday of November, and the third Monday of April, of each year.

APPROVED May 16, 1905.

## COUNTY COURTS—COLES COUNTY.

§ 1. Amends section 23, act of 1874.

§ 2. Repeal.

§ 23. Terms in Coles county.

Approved April 7, 1905.

AN ACT to amend section 23 of an act entitled, "*An act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named,*" approved March 26, 1874, in force July 1, 1874, and as amended by an act approved and in force May 27, 1881.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 23 of an act entitled, "*An act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time for holding the same and to repeal an act therein named,*" approved March 26, 1874, in force July 1, 1874, and as amended by an act approved and in force May 27, 1881, be and the same is hereby amended so as to read as follows, to-wit:

§ 23. Coles, first Mondays in February and August.

§ 2. All acts or parts of acts in conflict with this act are hereby repealed.

APPROVED April 7, 1905.

## COUNTY COURTS—EDWARDS COUNTY.

§ 1. Amends section 32, act of 1874.

Approved April 7, 1905.

§ 32. Terms in Edwards county.

AN ACT to amend section 32 of an act entitled, "*An act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time of holding the same, and to repeal an act therein named,*" approved March 26, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 32 of an act entitled, "*An act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named,*" approved March 26, 1874, in force July 1, 1874, be, and the same is hereby amended so as to read as follows:

§ 32. Edwards, on the second Monday in January and the third Monday in July of each year.

APPROVED April 7, 1905.



## COUNTY COURTS—WAYNE COUNTY.

§ 1. Amends section 103, act of 1874.

Approved April 7, 1905.

§ 103. Terms in Wayne county.

AN ACT to amend section 103 of an act entitled, "An act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time of holding the same, and to repeal an act therein named," approved March 26, 1874, in force July 1, 1874, as amended by an act approved and in force May 27, 1881.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 103, of an act entitled, "An act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an act therein named," approved March 26, 1874, in force July 1, 1874, as amended by an act approved and in force May 27, 1881, be, and the same is hereby amended to read as follows:

Section 103. Wayne, in February and August.

APPROVED April 7, 1905.

## JUVENILE COURTS—PROBATION OFFICERS.

§ 1. Amends section 6, act of 1899.

Approved May 13, 1905.

§ 6. Probation officers—appointment—  
duties—compensation.

AN ACT to amend section 6 of an act entitled, "An act to regulate the treatment and control of dependent, neglected and delinquent children," approved April 21, 1899, in force July 1, 1899.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 6 of an act entitled, "An act to regulate the treatment and control of dependent, neglected and delinquent children," approved April 21, 1899, in force July 1, 1899, be and the same is hereby amended so as to read as follows:

§ 6. The court shall have authority to appoint or designate one or more discreet persons of good character to serve as probation officers during the pleasure of the court; said probation officers to receive no compensation from the public treasury. In case a probation officer shall be appointed by any court it shall be the duty of the clerk of the court, if practicable, to notify the said probation officer in advance when any child is to be brought before the court; it shall be the duty of the said probation officer to make such investigation as may be required by the court; to be present in court in order to represent the interest of the child when the case is heard; to furnish to the court such information and assistance as the judge may require; and to take such charge of any child before and after trial, as may be directed by the court: *Provided, however,* that in counties having over five hundred thousand population, the judges of the circuit court, by rule to be entered of record, shall determine a number of probation officers

including one head probation officer, to be employed during each year, who shall be paid a suitable compensation for their services. The head probation officer shall have charge and control of all other probation officers, subject to the direction of the court. The judges of said court shall notify the president of the board of county commissioners or supervisors of said county, as the case may be, of the number of said probation officers so determined, who are to be paid as herein provided, and said probation officers, including the head probation officer, as aforesaid, shall be appointed in the same manner and under the same rules and regulations as other officers or employes in the said county under the board of commissioners or supervisors of the county, as the case may be, and shall be paid a suitable compensation by the county for their services, the amount thereof to be determined by such board of commissioners or supervisors, as the case may be. Such probation officers shall have the same powers and perform the same duties as other probation officers under the provisions of this act. Nothing herein contained, however, shall be held to limit or abridge the power of the judge or judges so designated under section 3 of this act to hear cases coming under this act, to appoint persons or probation officers, whom said judge or judges may see fit, and who shall serve without pay for such services as probation officer.

APPROVED May 13, 1905.

#### JUVENILE COURTS—REVISION OF ACT.

§ 1. Amends several sections, act of 1899.

§ 1. To whom act applies—defines dependent, neglected, delinquent child; also the words child or children explained.

§ 4. Petition to the court—contents of petition—affidavit.

§ 5. Summons—notice—failure to appear, etc.

§ 7. Court may commit child to certain institutions.

§ 9. Disposition of delinquent children.

§ 10. Transfer from justice and police magistrates.

§ 20. What act does not repeal.

Approved May 16, 1905.

AN ACT to amend sections 1, 4, 5, 7, 9, 10 and 20 of an act entitled, "An act to regulate the treatment and control of dependent, neglected and delinquent children," approved April 21, 1899, in force July 1, 1899, and as amended by an act approved May 11, 1901, and in force July 1, 1901.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 1, 4, 5, 7, 9, 10 and 20 of an act entitled "An act to regulate the treatment and control of dependent, neglected and delinquent children," as amended by an act approved May 11, 1901, and in force July 1, 1901, be and the same are hereby amended so as to read as follows:

§ 1. This act shall apply to male children under the age of seventeen years and to female children under the age of eighteen years not now or hereafter inmates of a State institution incorporated under

the laws of this State, except as provided in sections 12 and 18 hereof. For the purpose of this act the words dependent child and neglected child shall mean any male child under the age of seventeen years or any female child under the age of eighteen years who for any reason is destitute, homeless or abandoned; or dependent upon the public for support; or has not the proper parental care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill-fame or with any vicious or disreputable person; or whose home by reason of neglect, cruelty or depravity, on the part of its parents, guardian or any other person in whose care it may be, is an unfit place for such a child; and any child under the age of ten (10) years who is found begging, peddling or selling any article or singing or playing any musical instrument upon the street or giving any public entertainment or who accompanies or is used in aid of any persons so doing.

The words delinquent child shall include any male child under the age of seventeen years or any female child under the age of eighteen years who violates any law of this State or any city or village ordinance; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who, without just cause and without the consent of its parents or custodian, absents itself from its home or place of abode, or who is growing up in idleness or crime; or who knowingly frequents a house of ill-repute; or who knowingly frequents any policy shop or place where any gaming device is operated; or who frequents any saloon or dram shop where intoxicating liquors are sold; or who patronizes or visits any public pool room or bucket shop; or who wanders about the streets in the night time without being on any lawful business or occupation; or who habitually wanders about any railroad yards or tracks or jumps or attempts to jump onto any moving train; or enters any car or engine without lawful authority; or who habitually uses vile, obscene, vulgar, profane or indecent language; or who is guilty of immoral conduct in any public place or about any school house. Any child committing any of the acts herein mentioned shall be deemed a delinquent child and shall be proceeded against as such in the manner hereinafter provided. A disposition of any child under this act or any evidence given in such cause, shall not in any civil, criminal or other cause or proceeding whatever in any court be lawful or proper evidence against such child for any purpose whatever, except in subsequent cases against the same child under this act. The word "child" or "children" may be held to mean one or more children, and the word parent or parents may be held to mean one or both parents, when consistent with the intent of this act. The word "association" shall include any corporation which includes in its purposes the care or disposition of children coming within the meaning of this act.

§ 4. PETITION TO THE COURT.] Any reputable person being a resident of the county, having knowledge of a child in his county who appears to be either neglected, dependent or delinquent, may file with the clerk of a court having jurisdiction of the matter, a petition in

writing, setting forth the facts verified by affidavit. The petition shall set forth the name and residence of each parent, if known, and if both are dead or the residents [residence] unknown, then the name and residence of the legal guardian, if known, or if not known, then the name and residence of some near relative if there be one and his residence known. It shall be sufficient that the affidavit is upon information and belief.

§ 5. SUMMONS.] Upon the filing of the petition, a summon [summons] shall issue requiring the person having custody or control of the child or with whom the child may be, to appear with the child at a place and time stated in the summons, which time and place shall not be less than twenty-four hours after service. The parents of the child, if living and their residence is known to the petitioner, or its legal guardian, if one there be, and his residence is known to the petitioner, or, if there is neither parent nor guardian, or if his or her residence be not so known, then some near relative, if his residence be known to the petitioner, shall be notified of the proceedings. and in any case the judge may appoint some suitable person to act in behalf of the child. Summons and notice may be served by the sheriff or by any duly appointed probation officer, either by reading the same to the person or persons to be served or by delivering a copy thereof to such person or persons or by leaving a copy thereof at his usual place of abode, if stated in the petition or known, with some person of his family of the age of ten years or upwards and informing such person of the contents thereof. The return of such summons and notice with endorsement of service by the sheriff or probation officer in accordance herewith shall be sufficient proof thereof. If the person summoned as herein provided shall fail without reasonable cause to appear and abide the order of the court or bring the child he may be proceeded against as in case of contempt of court. In case the summons cannot be served or the party fails to obey the same, and in any case when it shall be made to appear to the court that such summons will be ineffectual a warrant may issue on the order of the court either against the parent or guardian or the person having the custody of the child or with whom the child may be or against the child itself. On return of the summons or other process or on the appearance of the child with or without summons or other process in person before the court and on the return of the service of notice if there be any person to be notified, or the personal appearance or written consent to the proceedings of the person or persons, if any, to be notified, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Pending the final disposition of the case the court may order the child to be retained in the possession of the person having charge of the same or any other person, or to be kept in some suitable place provided by the city or county authorities.

§ 7. When any male child under the age of seventeen years or any female child under the age of eighteen years shall be found to be dependent or neglected within the meaning of this act the court may make an order committing the child to the care of some suitable State



institution or to the care of some reputable citizen of good moral character, or to the care of some training school or industrial school, as provided by law, or to the care of some association willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for neglected or dependent children, which association shall have been accredited as hereinafter provided. The court may when the health or condition of the child require it, cause the child to be placed in a public hospital or institution for treatment or special care or in a private hospital or institution which will receive it for like purpose without charge.

§ 9. DISPOSITION OF DELINQUENT CHILDREN.] In the case of a delinquent child the court may continue the hearing from time to time, and may commit the child to the care or custody of a probation officer, or any other person, or may allow said child to remain in its own home, subject to the visitation of the probation officer, such child to report to the probation officer as often as may be required; or the court may cause the child to be placed in a suitable family home, subject to the friendly supervision of a probation officer and the further order of the court; or it may authorize the child to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child until a suitable provision may be made for the child in a home without such payment; or the court may commit such child, if a boy, to a training school for boys, or if a girl to an industrial school for girls, or the court may commit the child to any institution in the county incorporated under the laws of this State that may care for delinquent children or that may be provided by a city or county suitable for the care of such children or to any State institution which may be established for the care of delinquent boys, or, if a girl over the age of ten years, to the State Home for Female Juvenile Offenders, or the court may commit the child to the care and custody of some association that will receive it, embracing in its objects the care of neglected or dependent children and that has been duly accredited as hereinafter provided. In no case shall a child be committed to an institution beyond the age of twenty-one years. A child committed to such an institution shall be subject to the control of the board of managers thereof and the said board shall have power to parole such child on such conditions as it may prescribe. Every child who shall have been adjudged delinquent whether allowed to remain at home or placed in a home or committed to an institution shall continue to be a ward of this court until such child shall have been discharged as such ward by order of court or shall have reached the age of twenty-one years, and such court may during the period of wardship cause such child to be returned to the court for further or other proceedings, including parole or release from an institution: *Provided, however,* that notice of all applications to the court for such parole or release shall be given to the superintendent of such institution at least 10 days before the time set for the hearing thereof, or the consent in writing of such superin-

tendent to such parole or release shall be filed. The court may, however, in its discretion cause such child to be proceeded against in accordance with the laws that may be in force governing the commission of crime.

§ 10. TRANSFER FROM JUSTICE AND POLICE MAGISTRATES.] When in any county where a court is held as provided in section 3 of this act, a male child under the age of seventeen years or a female child under the age of eighteen years is arrested with or without warrant such child may, instead of being taken before a justice of the peace or police magistrate, be taken directly before such court; or if the child is taken before a justice of the peace or police magistrate, it shall be the duty of such justice of the peace or police magistrate to transfer the case to such court, and the officer having the child in charge to take the child before such court, and, in any case the court may proceed to hear and dispose of the case in the same manner as if the child had been brought before the court upon petition as herein provided. In any case, the court shall require notice to be given and investigation to be made as in other cases under this act, and may adjourn the hearing from time to time for that purpose.

§ 20. Nothing in this act shall be construed to repeal any portion of the act to aid industrial schools for girls, the act to provide for an aid training school for boys, the act to establish the Illinois State Reformatory, or the act to provide for a State Home for Juvenile Female Offenders, and in all commitments to said institutions, the acts in reference to said institutions may govern the same, except that in commitments to the State Home for Juvenile Female Offenders at Geneva, Illinois, either this act or the acts in reference to said institution shall govern the same and in all proceedings and papers, said institution may be designated as a "State Training School for Girls," and such designation shall be taken and held to have the same legal effect as if the name "State Home for Juvenile Female Offenders" were used therein.

APPROVED May 16, 1905.

## MUNICIPAL COURT OF CHICAGO.

- § 1. Style of court prescribed.
- § 2. Jurisdiction of court—all cases classified.
- § 3. Forms and pleadings in different classes of cases.
- § 4. Court to be held in five districts—boundaries of districts prescribed—additions to number and change of boundaries provided for.
- § 5. When court shall be held.
- § 6. Seals—payment for same.
- § 7. Books and stationery—how furnished.
- § 8. Number of judges—duties of presiding judge—duties of chief justice—duties of associate judge—vacations—branch court, first district—monthly meetings—salaries fixed—how paid.
- § 9. Election of judges—terms of office—vacancies.
- § 10. Eligibility to judgeship.
- § 11. Form of oath where filed.
- § 12. Number of judges—how increased.
- § 13. Interchanges authorized.
- § 14. Clerk of court—election—duties—salary.
- § 15. Deputy clerks—appointment—salary—duties—bond.
- § 16. Bailiff—election—duties—salary—how paid.
- § 17. Deputy bailiffs—appointment—duties—oath—bond—salary.
- § 18. Fees and gratuities prohibited—penalty.
- § 19. Practice to follow that of circuit courts—appeals and writs of errors.
- § 20. Additional rules of practice—how adopted—approval of supreme court.
- § 21. No stated terms—court always open—vacation of decrees.
- § 22. Review of final orders in cases of 1st, 2d and 3d classes.
- § 23. Review in cases of 4th and 5th classes—writs of error—how prosecuted.
- § 24. Cases transferred from other courts—duty of State's attorney in criminal cases.
- § 25. Petit jurors—how provided—payment—number.
- § 26. Jurors—interrogation—qualification.
- § 27. Criminal cases—how prosecuted by information.
- § 28. Cases of 1st class—how commenced and prosecuted—exceptions.
- § 29. Cases of 4th and 5th classes—how brought and prosecuted.
- § 30. Cases tried without jury.
- § 31. Trial by jury—challenge of jurors—examination of jurors.
- § 32. Interrogatories in civil actions.
- § 33. Testimony of parties in interest.
- § 34. Change of venue.
- § 35. Orders of court—where signed.
- § 36. Court calendars.
- § 37. Charges to jury may be oral or written.
- § 38. Bill of exceptions—failure to take formal exception—original bill in lieu of certified copy.
- § 39. Change of venue in certain cases regulated.
- § 40. Practice regulated in certain cases—precept and bill of particulars.
- § 41. Summons to defendant—form, etc.
- § 42. Summons—how served.
- § 43. Return of summons—default—call of cases.
- § 44. Certain blank forms to be furnished by clerk of court.
- § 45. Fixing time of trial.
- § 46. Amendments.
- § 47. Postponements.
- § 48. Practice in attachment, etc—exceptions.
- § 49. Practice in *quasi* criminal cases—exceptions.
- § 50. Bail—bail bond—deposit of money in lieu of bail.
- § 51. Rules of procedure in cases unprovided for by act.
- § 52. Presumptions of jurisdiction.
- § 53. Payment of judgments—satisfaction.
- § 54. Judicial notice—city, State and Federal laws.
- § 55. Masters in Chancery.
- § 56. Costs in cases of 1st, 2d, 4th and 5th classes fixed.
- § 57. Costs in criminal and *quasi* criminal cases fixed.

§ 58. Costs in city cases—clerk's and bailiff's fees.	§ 63. Orders, judgments and decrees—force and effect in certain cases.
§ 59. Further fees fixed.	§ 64. Other judgments.
§ 60. Justices and constables—offices abolished.	§ 65. Terms of justices—proviso.
§ 61. Justices' dockets, how disposed of—pending cases.	§ 66. Validity of act considered.
§ 62. Supervision of court records by chief justice.	§ 67. Adoption of act.
	Approved May 18, 1905.

*AN ACT in relation to a municipal court in the city of Chicago.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there shall be established in and for the city of Chicago a municipal court which shall be styled "The Municipal Court of Chicago," hereinafter designated and referred to as the Municipal Court and the jurisdiction of which shall be exercised in the manner hereinafter prescribed by branch courts, each of which shall exercise all the powers in this act declared to be vested in the Municipal Court:

§ 2. That said Municipal Court shall have jurisdiction within the city of Chicago, in the following cases:

*First.* All actions on contracts, express or implied, when the amount claimed by the plaintiff exceeds one thousand dollars (\$1,000) and all actions for the recovery of personal property or for the recovery of damages for the conversion of an injury to personal property when the value of the property on [or] the amount of damages sought to be recovered, as claimed by the plaintiff, exceeds one thousand dollars (\$1,000) and which, for convenience, will be hereinafter referred to and designated as cases of the first class.

*Second.* All suits of every kind and nature, whether civil or criminal, or whether at law or in equity, which may be transferred to it by change of venue, or otherwise, by the circuit court of Cook county, or by the superior court of Cook county, or by the criminal court of Cook county, for trial and disposition and which, for convenience, will be hereinafter designated and referred to as cases of the second class.

*Third.* All criminal cases in which the punishment is by fine or imprisonment otherwise than in the penitentiary, and which, for convenience, will be hereinafter designated and referred to as cases of the third class.

*Fourth.* All those classes of suits and proceedings, whether civil or quasi criminal, of which justices of the peace are now given jurisdiction by law, in all of which classes of suits and proceedings said Municipal Court shall have jurisdiction when the amount sought to be recovered, whether by way of damages, penalty, or otherwise, if the suit or proceeding be for the recovery of money only, or the value of the personal property claimed, if the suit or proceeding be brought for the recovery of personal property, does not exceed one thousand dollars (\$1,000): *Provided, however,* that in any action upon a bond the amount sought to be recovered thereon and not the penalty of



the bond shall determine the jurisdiction, and that when payments are to be made by installments, an action may be brought in the Municipal Court for any installment not exceeding one thousand dollars (\$1,000) as it becomes due, and which, for convenience, will be hereinafter designated and referred to as cases of the fourth class.

*Fifth.* All other suits at law, for the recovery of money only, when the amount claimed does not exceed one thousand dollars (\$1,000), and which, for convenience, will be hereinafter designated and referred to as cases of the fifth class.

§ 3. That in all cases of the first class and in all cases of the second class the issues shall be made up in said court by the same forms of pleadings, as near as may be, in use in similar cases in the circuit courts; that all cases of the third class shall be prosecuted by complaint or by information in accordance with such rules as may be hereinafter prescribed or provided for, or in cases not herein otherwise provided for, by such rules of practice as may be prescribed by law for similar cases in the criminal court of Cook county or before justices of the peace; and that in all cases of the fourth class and in all cases of the fifth class the issues shall be determined without other forms of written pleadings than those hereinafter expressly prescribed or provided for.

§ 4 That said court shall be held in districts, which until otherwise provided, shall be five in number and their territorial limits shall be as follows:

Of the First District the territorial limits shall be the territory bounded on the east by Lake Michigan, on the north by the city limits, on the west by the center line of Western avenue from the city limits on the north to the center line of Fifty-fifth street, thence on the south by the center line of Fifty-fifth street to the center line of State street, thence on the west by the center line of State street to the center line of Sixty-third street, thence on the south by the center line of Sixty-third street to the center line of Cottage Grove avenue, thence on the west by the center line of Cottage Grove avenue to the center line of Seventy-first street, and thence on the south by the center line of Seventy-first street to Lake Michigan, and such territory shall be known as the First District.

Of the Second District the territorial limits shall be the territory bounded on the south by the city limits, on the east by the city limits and Lake Michigan, on the north by the center line of Seventy-first street, and on the west by the center line of Cottage Grove avenue, and such territory shall be known as the Second District.

Of the Third District the territorial limits shall be the territory bounded on the west and south by the city limits, on the east by the center line of Cottage Grove avenue from the city limits on the south to the center line of Sixty-third street, thence on the north by the center line of Sixty-third street to the center line of State street, thence on the east by the center line of State street to the center line of Fifty-fifth street, thence on the north by the center line of Fifty-fifth street to the city limits on the west, and such territory shall be known as the Third District.

Of the Fourth District the territorial limits shall be the territory bounded on the south by the center line of Fifty-fifth street, on the east by the center line of Western avenue, on the north by the center line of Lake street and on the west by the city limits, and such territory shall be known as the Fourth District.

Of the Fifth District the territorial limits shall be the territory bounded on the south by the center line of Lake street, on the east by the center line of Western avenue, and on the north and west by the city limits, and such territory shall be known as the Fifth District.

The number and boundaries of the districts may be changed, from time to time, by orders signed by a majority of the judges of the municipal court, and spread upon the records thereof, which orders shall be published for three successive weeks, once in each week, in some newspaper of general circulation in the city of Chicago, and which shall take effect respectively within thirty days after the last publication thereof: *Provided, however,* no such change in the number or boundaries of districts shall become effective unless the order therefor shall have been approved by the city council of the city of Chicago. As many branch courts shall be held in each district as may be determined by the chief justice of said municipal court to be necessary for the prompt and proper disposition of the business of said court: *Provided, however,* that at least one branch court shall be held in each district. Such branch courts may be given such designation by numbers or otherwise as may be determined by the chief justice.

§ 5. That said branch courts shall be held at such places in said city of Chicago as may be provided for that purpose by the corporate authorities thereof. If no place be provided by the corporate authorities of said city for the holding of any branch court, or if the place so provided become unfit, said branch court may, by an order signed by the majority of the judges of said municipal court, and entered upon the records of said branch court, adjourn to or convene at a suitable place for holding said branch court, procured for that purpose by said judges, within the district in which the same is located and at such place may hold said branch court, until a suitable place therefor be furnished by said corporate authorities,

§ 6. That said court shall have seals for each district and may from time to time, as may be necessary, renew the same. The expense of said seals and renewing the same shall be paid by the city of Chicago.

§ 7. That all blanks, books, papers, stationery and furniture necessary to the keeping of the records of the proceedings of such municipal court, and the transaction of the business thereof, shall be furnished the officers of such court at the expense of the city. All other expenditures on account of such court which may be authorized by the city council, and which are not specifically mentioned in this act, shall be paid out of the city treasury.

§ 8. That said municipal court shall consist of twenty-eight (28) judges, one of whom shall be chief justice and the remaining twenty-seven (27) of whom shall be associate judges. Each branch court shall be presided over by a single judge of the municipal court. The chief justice, in addition to the exercise of all the other powers of a judge of said court, shall have the general superintendence of the business of said court; he shall preside at all meetings of the judges, and he shall assign the associate judges to duty in the branch courts, from time to time, as he may deem necessary for the prompt disposition of the business thereof, and it shall be the duty of each associate judge to attend and serve at any branch court to which he may be so assigned, but the chief justice shall only assign such number of judges to the trial and disposition of cases of the first class and cases of the second class mentioned in section two (2) of this act from time to time, as may not be needed for the prompt disposition of the other business of the court. The chief justice shall also superintend the preparation of the calendars of cases for trial in said court and shall make such classification and distribution of the same upon different calendars as he shall deem proper and expedient. Each associate judge shall at the commencement of each month make to the chief justice, under his official oath, a report in writing of the duties performed by him during the preceding month, which report shall specify the number of days' attendance in court of such judge during such month, and the branch courts upon which he has attended, and the number of hours per day of such attendance, for which the chief justice shall cause suitable blanks to be prepared and furnished to the associate judges. Each judge shall be entitled to vacations, which shall not exceed thirty-six days in all in any one year and which shall be taken at such times as may be determined by the chief justice. The chief justice must give his attention faithfully to the discharge of the duties especially pertaining to his office and to the performance of such additional judicial work as he may be able to perform. Each associate judge must perform his share of the labors and duties appertaining to the office. At least one associate judge must be in attendance in one branch court in each district, six hours of each day, except Sunday, a public holiday, or a day upon which the inhabitants of the city of Chicago generally refrain from business, and each associate judge, while in the court room or in chambers, and not actually engaged in the performance of other official duties, must act upon any application for his official action, properly made to him. One branch court in the first district shall be kept open, and at least one judge assigned for that purpose by the chief justice, shall be in attendance thereat, each day, excepting Sunday or a public holiday, from nine o'clock a. m. to ten o'clock p. m., excepting two hours' intermission, for the transaction of such business as may come before it. It shall be the duty of the chief justice and the associate judges to meet together at least once in each month, excepting the month of August, in each year, at such hour and place as may be designated by the chief justice, and at such other times as may be required by the



chief justice, for the consideration of such matters pertaining to the administration of justice in said court as may be brought before them. At such meetings they shall receive and investigate, or cause to be investigated, all complaints presented to them pertaining to the said court, and to the officers thereof, and shall take such steps as they deem necessary or proper with respect thereto, and they shall have power and it shall be their duty to adopt or cause to be adopted all such rules and regulations for the proper administration of justice in said court as to them may seem expedient. The salary of the chief justice shall be seven thousand five hundred dollars (\$7,500) per annum, and the salary of an associate judge shall be six thousand dollars (\$6,000) per annum, payable in monthly installments out of the city treasury.

§ 9. That the chief justice and the associate judges of the Municipal Court provided for in the preceding section shall be elected on the first Tuesday after the first Monday of November, A. D. 1906; that the chief justice shall hold his office for the term of six (6) years and until his successor shall be elected and qualified; that of the said associate judges so to be elected nine (9) shall be elected for the term of two (2) years; nine (9) for the term of four (4) years, and nine (9) for the term of six (6) years and until their respective successors shall be elected and qualified, and on the first Tuesday after the first Monday of November, A. D. 1908, and on the first Tuesday after the first Monday of November of every sixth year thereafter, and on the first Tuesday after the first Monday of November, A. D. 1910, and on the first Tuesday after the first Monday of November every sixth year thereafter there shall be elected nine (9) associate judges of said Municipal Court and on the first Tuesday after the first Monday of November, A. D. 1912, and every sixth year thereafter there shall be elected a chief justice and nine (9) associate judges of said Municipal Court as successors in office of the chief justice and associate judges of the Municipal Court by this act required to be elected, each of whom shall hold his office for the term of six (6) years and until his successor shall be elected and qualified. The judges so required to be elected shall enter upon the discharge of their duties on the first Monday of December following their election. Vacancies in the office of chief justice or associate judge of the Municipal Court shall be filled by election at the regular municipal, judicial or other general election which shall occur next after a period of thirty (30) days from the time such vacancy [vacancies] respectively occur, but where the unexpired term does not exceed one year, the vacancy shall be filled by appointment by the Governor. Whenever a vacancy occurs in the office of chief justice, or whenever the chief justice shall be absent from the city of Chicago, or incapacitated from acting, the associate judges shall select one of their number to act as chief justice until such vacancy shall be filled by election or appointment as above provided for, or until the return of the chief justice, or until his incapacity ceases.



§ 10. That no person shall be eligible to the office of chief justice or of associate judge of the municipal court unless he shall be at least thirty years of age and a citizen of the United States, nor unless he shall have resided in the county of Cook and been there engaged, either in active practice as an attorney and counsellor at law or in the discharge of the duties of a judicial office, five years next preceding his election, or in one of said occupations during a portion of said time and in the other the remaining portion thereof, and shall, at the time of his election, be a resident of the city of Chicago.

§ 11. That every chief justice and associate judge of such municipal court, before he enters upon the duties of his office, shall take and subscribe the following oath or affirmation:

I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of chief justice (or associate judge) of the Municipal Court of Chicago according to the best of my ability.

Said oath shall be filed in the office of the Secretary of State.

§ 12. That whenever two-thirds in number of the judges of the municipal court shall transmit to the city council of the city of Chicago a certificate signed by them that in the opinion of said judges the business of said municipal court is such as to require an increase in the number of the associate judges of said municipal court, said city council may, by ordinance or ordinances, provide for an increase of not more than nine in the number of said judges, who shall be elected, one-third for two years, one-third for four years and one-third for six years, at the next ensuing general election. The judges elected in accordance with such ordinance or ordinances shall hold their offices for the said respective periods for which they shall have been elected and until their successors shall be elected and qualified, and every two years thereafter their respective successors shall be elected for the full term of six years. But, after the number of associate judges has been increased to thirty-six (36) no subsequent increase thereof shall be made by the city council.

§ 13. That the judges of said municipal court may interchange with judges of other city courts, and with county judges, and said respective judges may hold court for each other and perform each other's duties when they find it necessary or convenient.

§ 14. That there shall be a clerk of said municipal court, whose term of office shall be six years and until his successor shall be elected and qualified and who shall be elected on the first Tuesday after the first Monday of November, A. D. 1906, and every six years thereafter. He shall perform with respect to said municipal court, the duties usually performed by clerks of courts of record. He shall give his personal attention to the performance of the duties of his office. He shall maintain an office in each district and each office shall be kept open for the transaction of business from eight o'clock a. m. to six o'clock p. m. of each working day during the year. Until otherwise provided by the rules which may be adopted under the provisions of this act, the powers, duties and liabilities, the oath of office and the

bond and conditions thereof of such clerk shall be the same, as near as may be, as those prescribed by law for clerks of courts by the act entitled "An act to revise the law in relation to clerks of courts," approved March 25, 1874, and in force July 1, 1874. His salary shall be five thousand dollars (\$5,000) per annum, and shall be paid in monthly installments out of the city treasury. He shall be commissioned by the Governor.

§ 15. That said clerk shall appoint such number of deputies as may be determined, from time to time, by a majority of the judges of the municipal court by orders signed by them and spread upon the records of said court. At least one deputy clerk shall be assigned to duty in each branch court. The salaries of deputy clerks shall be fixed, from time to time, by orders signed by a majority of the judges of the municipal court and spread upon the records of the court, and shall be payable out of the city treasury in monthly installments: *Provided, however,* that the salary of the chief deputy clerk shall not exceed two thousand five hundred dollars (\$2,500) per annum, and that the salary of no other deputy clerk shall exceed eighteen hundred dollars (\$1,800) per annum. Such number of deputy clerks so appointed as the judges may deem necessary shall be competent shorthand reporters, capable of correctly taking down stenographically and transcribing the proceedings of courts, and shall perform such duties with respect to attending upon and taking down stenographic reports of the proceedings of said court as may be required by the judges, and for making and furnishing transcripts of their stenographic reports aforesaid said deputy clerks shall be allowed to make such reasonable charge, not exceeding fifteen cents per each one hundred words, to the parties to whom such transcripts are furnished, as may be determined by the judges, and the judges may allow said deputy clerks to retain, as additional compensation for their services one-half of the charges so collected, the balance of such charges to be accounted for by such deputy clerks in the same manner as costs collected by them. Such deputy clerks shall take the same oath or affirmation required of the clerk of said municipal court and shall give bonds to be approved by the chief justice of said court, conditioned, as near as may be, like the bond required of the clerk. Any deputy clerk shall be subject to removal at any time by an order signed by a majority of the judges of the municipal court and spread upon the records of said court. The number of deputy clerks may be reduced at any time by an order signed by a majority of the judges of said municipal court and spread upon the records of said court. It shall be the duty of deputy clerks to render to parties to suits in cases of the fourth class and in cases of the fifth class mentioned in section two (2) of this act, such assistance and give them such information as may enable them to properly commence suits or to enter their appearances when sued, which duty shall be regulated and defined by instructions to be prepared by the chief justice.

§ 16. That there shall be a bailiff of said municipal court whose term of office shall be six years and until his successor shall be elected

and qualified and who shall be elected on the first Tuesday after the first Monday of November, A. D. 1906, and every six years thereafter. He shall perform, with respect to said municipal court, the duties usually performed by sheriffs in respect to attendance upon, and service and execution of the process, and obedience of the lawful orders and directions of, a circuit court. He shall give his personal attention to the performance of the duties of his office. He shall maintain an office in each district and each office shall be kept open in each district for the transaction of business from 8:00 o'clock a. m. to 6:00 o'clock p. m. of each working day during the year. Until otherwise provided by the rules which may be adopted under the provisions of this act, the powers, duties and liabilities, the oath of office, and the bond and conditions thereof of such bailiff shall be the same, as near as may be, as those prescribed by law for sheriffs with respect to attendance upon, and service and execution of the process, and obedience of the lawful orders and directions of, a circuit court. His salary shall be five thousand dollars (\$5,000) per annum and shall be paid in monthly installments out of the city treasury. He shall be commissioned by the Governor.

§ 17. That said bailiff shall appoint such number of deputies as may be determined, from time to time, by a majority of judges of the municipal court by orders signed by them and spread upon the records of said court. At least one deputy bailiff shall be assigned to duty in each branch court. The salaries of deputy bailiffs shall be fixed, from time to time by orders signed by a majority of the judges of the municipal court and spread upon the records of the court and shall be payable out of the city treasury in monthly installments: *Provided, however*, that the salary of the chief deputy bailiff shall not exceed two thousand five hundred dollars (\$2,500) per annum, and that the salary of no other deputy bailiff shall exceed fifteen hundred dollars (\$1,500) per annum. Such deputy bailiffs shall take the same oath or affirmation required of the bailiff of said municipal court and shall give bonds to be approved by the chief justice of said court conditioned, as near as may be, like the bond required of the bailiff. The bailiff and deputy bailiffs of the municipal court shall be *ex officio* police officers of the city of Chicago. Any deputy bailiff shall be subject to removal at any time by an order signed by a majority of the judges of the municipal court and spread upon the records of said court. The number of deputy bailiffs may be reduced at any time by an order signed by a majority of the judges of said municipal court and spread upon the records of said court. Every police officer of the city of Chicago shall be *ex officio* a deputy bailiff of the municipal court, and shall perform, from time to time, such duties in respect to criminal and quasi criminal cases, including cases pertaining to alleged violation of city ordinances pending in said court, as may be required of him by said court or any judge thereof.

§ 18. That neither the clerk nor the bailiff nor any deputy clerk or deputy bailiff of said municipal court shall receive, aside from the salary and the costs by this act required to be paid to him in his



official capacity, any money, property, or other valuable thing, as a gratuity or otherwise for the performance of any duty imposed upon him by virtue of his office, or for the performance of any work of any kind or character in any manner connected therewith. It shall be the duty of the judges of said municipal court to remove from office any deputy clerk or deputy bailiff who shall violate either of the provisions of this section. No clerk or bailiff, or deputy clerk or deputy bailiff, of the municipal court shall be appointed receiver or guardian *ad litem* in any suit therein pending.

§ 19. That until otherwise determined in the manner hereinafter provided, and except as by this act is otherwise prescribed, the practice in the municipal court shall be the same, as near as may be, as that which is now prescribed by law for similar suits or proceedings in circuits courts, excepting that in cases of the fourth class and cases of the fifth class mentioned in section two (2) of this act the issues shall be determined without other forms of written pleadings than those hereinafter expressly prescribed or provided for. Said municipal court shall be the sole judge of the applicability to the proceedings of said court of the rules of practice prescribed by law for similar cases in the circuit courts and its decisions in respect thereto shall not be subject to review upon appeal or writ of error: *Provided, however,* that upon appeal or writ of error the Supreme Court or the appellate court, as the case may be, may grant relief from any such decision in any case where, in the opinion of the Supreme Court or appellate court, such relief is necessary to prevent a failure of justice.

§ 20. That the judges of said municipal court shall have power to adopt, in addition to or in lieu of the provisions herein contained prescribing the practice in said municipal court or of any portion or portions of said provisions, such rules regulating the practice in said court as they may deem necessary or expedient for the proper administration of justice therein. The adoption of said rules shall be accomplished by an order signed by a majority of said judges, which order, when made, shall be forthwith spread upon the records of the municipal court and shall be printed in pamphlet form at the expense of the city: *Provided, however,* that no such rule or rules so adopted shall be inconsistent with those expressly provided for by this act, nor shall they become effective and be in force until after the lapse of thirty (30) days from the approval thereof by the Supreme Court. Application to the Supreme Court for such approval may be made by the chief justice of the municipal court, after notice of such application shall have been published once each week for three consecutive weeks, in some newspaper of general circulation published in the city of Chicago, specifying the time at which such application shall be made. Upon such application the Supreme Court shall review the said rule or rules so adopted and may either confirm the order adopting the same or may modify or set aside the same, and the Supreme Court may, in its discretion, substitute for the rule or rules so adopted by said judges of said municipal court, or for any portion thereof, such other rules as the Supreme



Court may deem proper, and may, in its discretion, of its own motion or otherwise, make any order respecting the rules of said municipal court which it may deem proper. The Supreme Court and the Appellate Courts, in cases brought to them from the municipal court by appeal or writ of error, shall take judicial notice of the rules of practice from time to time in force in said municipal court.

§ 21. That there shall be no stated terms of the municipal court but said court shall always be open for the transaction of business. Every judgment, order or decree of said court, final in its nature, shall, for the period of thirty days after the entry thereof, be subject to be vacated, set aside or modified, in the same manner and to the same extent as a judgment, decree or order of a circuit court during the term at which the same was rendered in such circuit court. After the lapse of thirty days any such judgment, decree or order shall not be vacated, set aside or modified, excepting upon appeal or writ of error, or by bill in equity: *Provided, however*, that all errors in fact in the proceedings in such case, which could have been corrected at common law by the writ of error *coram nobis*, may be corrected by motion, or the judgment may be set aside in the manner provided by law for similar cases in the circuit courts.

§ 22. That the final orders, judgments and decrees of the municipal court in cases of the first class, cases of the second class and cases of the third class mentioned in section two (2) of this act, may be reviewed, upon error or appeal, by the Supreme Court in all criminal cases above the grade of misdemeanors, cases in which a franchise or freehold, or the validity of a statute or construction of the Constitution is involved, and in all cases relating to the revenue or in which the State is interested as a party or otherwise, and by the Appellate Court in all other cases. The practice in cases of appeals from writs of error to said municipal court in said cases shall, except as in this act, or by rules of said court adopted in pursuance hereof, may be otherwise provided, be the same, as near as may be, as the practice in cases of appeal from writs of error to circuit courts in similar cases. But no appeal shall be allowed in any case unless the same be prayed for within twenty days after the entry of the order, judgment or decree appealed from, and no assignment of error in the Supreme Court or in the Appellate Court in any such case shall be allowed which shall call in question the decision of the municipal court in respect to any matter pertaining to the practice in said court: *Provided, however*, that the Supreme Court or the Appellate Court, as the case may be, may grant relief from any error of the municipal court in respect to a matter of practice therein in any case where, in the opinion of the Supreme Court or Appellate Court, such relief is necessary to prevent a failure of justice.

§ 23. That the final orders and judgments of the municipal court in cases of the fourth class and cases of the fifth class mentioned in section two (2) of this act, shall be reviewed by writ of error only. Such writ of error shall be sued out of the Supreme Court in all cases in which a franchise, a freehold or the validity of a statute or the construction of the Constitution is involved, and out of the Appellate

Court in all other cases. The time within which a writ of error may be sued out in any such case shall be limited to thirty days after the entry of the final order or judgment complained of. The manner of prosecuting such writ of error shall be as follows:

*First*—Any party to any such case against whom there has been rendered any final order or judgment of the municipal court and who shall desire to obtain a review of such final order or judgment by appeal or writ of error, may obtain from the municipal court a stay of execution upon such order or judgment for ninety days after the entry thereof by the giving of a bond with a sufficient surety or sureties, to be approved by a judge of the municipal court, conditioned for the performance by such party of, or his compliance with, such order or judgment, or his payment of the money thereby required to be paid and all costs which may be awarded the opposite party in the Supreme Court or the Appellate Court, as the case may be, in case a writ of error to review such order or judgment shall not be sued out within thirty days from the date thereof, or in case, upon the suing out and prosecution of such writ of error, the order or judgment shall be affirmed by the Supreme Court or the Appellate Court, as the case may be.

*Second*—No other or further stay of proceedings or execution in any such case shall be allowed by the municipal court, but the Supreme Court or the Appellate Court, or any judge thereof, may allow a supersedeas as in other cases, but upon the allowance of any supersedeas, when any bond has been given as above provided, no additional bond shall be required and such supersedeas shall be operative until the final determination of such writ of error.

*Third*—If, upon application to the Supreme Court or Appellate Court, or to any judge thereof, for a supersedeas the same shall be denied, such order or judgment shall stand affirmed, and no further proceedings shall be had in said Supreme Court or Appellate Court with respect thereto, unless the Supreme Court or Appellate Court, or the judge denying such supersedeas, shall otherwise order.

*Fourth*—The party in whose favor any final order or judgment has been entered shall be entitled to sue out a writ of error from the Supreme Court or the Appellate Court, as the case may be, by depositing with the clerk of the court from which said writ of error is sued out the sum of twenty dollars (\$20) as security to the opposite party for such costs as may be awarded such opposite party by the Supreme Court or the Appellate Court, as the case may be, upon the final determination of such writ of error.

*Fifth*—The party suing out any writ of error shall not be required to serve upon the opposite party any *scire facias* to hear errors, but in lieu thereof shall, within five days after the issuance of the writ of error, file the same with the clerk of the said municipal court, and make to the Supreme Court or the Appellate Court, as the case may be, proof of such filing, and such writ of error so filed shall be notice to the opposite party of the suing out and prosecution of such writ of error.

*Sixth*—Upon application made at any time within sixty days after the entry of any final order or judgment, it shall be the duty of the judge by whom such final order or judgment was entered, to sign and place on file in the case in which the same was entered, if so requested by either of the parties to the suit, either a correct statement, to be prepared by the party requesting the signing of the same, of the facts appearing upon the trial thereof, and of all questions of law involved in such case, and the decisions of the court upon said questions of law, or a correct stenographic report, the expense of procuring which shall be paid by the party requesting the signing of the same, of the proceedings of the trial, as such party may elect, the original of which statement or stenographic report, together with a certified transcript of the judgment, shall be certified to the Supreme Court or Appellate Court, as the case may be, as the record to be considered upon the review of such order or judgment by writ of error.

*Seventh*—No order or judgment so sought to be reviewed shall be reversed unless the Supreme Court or Appellate Court, as the case may be, shall be satisfied from said statement or stenographic report signed by said judge that such order or judgment is contrary to the law and the evidence or that such order or judgment resulted from substantial errors of said municipal court directly affecting the matters at issue between the parties, in which last mentioned case the Supreme Court or Appellate Court, as the case may be, may enter such order or judgment as, in its opinion, the municipal court ought to have entered, or it may reverse the said order or judgment and remand the case to the municipal court for further proceedings.

*Eighth*—No assignment of error in the Supreme Court or in the Appellate Court in any such case shall be allowed which shall call in question the decisions of such municipal court in respect to any matter pertaining to the practice in such court, nor shall any exceptions to the rulings and decisions of the municipal court upon the trial be necessary to the right of either party to a review of such rulings and decisions in the Supreme Court or Appellate Court upon their merits, but it shall be the duty of the Supreme Court or the Appellate Court, as the case may be, to decide such case upon its merits as they may appear from such statement or stenographic report signed by the judge: *Provided, however,* that the Supreme Court or Appellate Court, as the case may be, may grant relief from any error of the municipal court in respect to a matter of practice therein in any case where, in the opinion of the Supreme Court or the Appellate Court, such relief is necessary to prevent a failure of justice.

§ 24. That in any case transferred to said municipal court by the circuit or superior court of Cook county for trial and disposition, said municipal court shall exercise the same powers as the court from which said case has been transferred might have exercised had said case not been so transferred. The circuit court of Cook county, or the superior court of Cook county, may, upon the application of either



party for a change of venue, and shall upon the request of both parties to any suit at law or in equity pending therein, transfer said suit to the municipal court for trial and disposition. The criminal court of Cook county may, in its discretion, upon the request of the State's attorney or of any defendant, transfer to the municipal court for trial and disposition any case therein pending and shall have power to make all orders which it may deem necessary to accomplish such transfer and secure the attendance of the parties and witnesses upon said municipal court until the final disposition of the case, and said municipal court, when any criminal case shall have been so transferred to it, shall exercise all the powers with respect to the trial and disposition of said case which the said criminal court of Cook county might have exercised had said case not been so transferred. All judgments of conviction in criminal cases in said municipal court where the punishment inflicted is death or imprisonment, shall be carried into execution in the same manner as is provided by law in similar cases in said criminal court of Cook county. The prosecution of all criminal cases in the municipal court shall be conducted by or under the supervision of the State's attorney of Cook county, but in any case in which the State's attorney is disqualified from acting, or is unable to act, the court may appoint some attorney at law of Cook county to act as prosecuting attorney in such case. In all cases transferred as aforesaid to said municipal court, the practice in respect to the trial and disposition thereof shall be the same as that prevailing in the respective courts from which the same have been transferred, unless the parties shall consent that the trial and disposition thereof shall be governed by the rules of practice prevailing in said municipal court in cases commenced therein.

§ 25. That the petit jurors for the trial of cases in said municipal court shall be provided by the jury commissioners of the county of Cook in the same manner and from the same lists, as near as may be, as petit jurors are provided for the circuit, superior and criminal courts of Cook county. The names of the necessary number of petit jurors required from time to time in said municipal court shall be furnished by said jury commissioners upon demand to the clerk of the municipal court and the venuries for such jurors shall be directed to and served by the sheriff of Cook county at the expense of said county, and the fees of said jurors shall be paid out of the city treasury. The number of petit jurors to be summoned from time to time shall be determined by the chief justice.

§ 26. That it shall be the duty of the chief justice of the municipal court to cause to be interrogated all petit jurors summoned for service in the municipal court, and to cause to be enquired into the qualifications of said jurors, and to reject from service as jurors all persons who do not appear to possess the qualifications required by law, and to cause the summoning of persons competent to serve as jurors.



§ 27. That all criminal cases in the municipal court in which the punishment is by fine or imprisonment otherwise than in the penitentiary, may be prosecuted by information of the Attorney General or State's attorney or some other person, and when an information is presented by any person other than the Attorney General or State's attorney, it shall be verified by affidavit of such person that the same is true or that the same is true as he is informed and believes. Before an information is filed by any person other than the Attorney General or State's attorney, one of the judges of the municipal court shall examine the information and may examine the person presenting the same and require other evidence and satisfy himself that there is probable cause for filing the same and so endorse the same. Every information shall set forth the offense with reasonable certainty, substantially as required in an indictment, and the proceedings thereon shall be the same, as near as may be, as upon indictment in the criminal court of Cook county, excepting as is by this act otherwise provided. But criminal cases in which the punishment is by fine only not exceeding five hundred dollars (\$500) may, in the discretion of the court, be prosecuted by complaint as is provided by law for the prosecution of criminal cases before justices of the peace. Any person committed for a criminal or supposed criminal offense and not admitted to bail and not tried within four months after the date of arrest shall be set at liberty by the court, unless the delay shall happen on the application of the prisoner or unless the court is satisfied that due exertion has been made to procure the evidence on the part of the people and that there is reasonable grounds to believe that such evidence may be procured within the next sixty days, in which case the court may continue the case for such time as the court may deem necessary, not exceeding said sixty days: *Provided, however,* that if said person be not tried within said sixty days no further continuance shall be granted and said person shall be set at liberty by the court.

§ 28. That, until otherwise provided by the rules of the municipal court, and except as is herein otherwise prescribed, cases of the first class mentioned in section two (2) of this act shall be commenced and prosecuted in said municipal court in the same manner in which similar suits and proceedings are required to be commenced and prosecuted in the circuit courts, and excepting also in the following particulars:

*First*—The summons, when the first process is a summons, or the writ, when the first process is a writ, shall be directed to the bailiff to execute and shall be returnable upon some Monday at least ten days, and not more than thirty days, after the date thereof.

*Second*—Service of such summons or writ shall be made by delivering a copy thereof to the defendant, if an individual, and informing him of the contents thereof, but if any defendant be a corporation, the service shall be made in the manner provided by law for similar cases in the circuit courts.

*Third*—Notice to the defendant by publication may be given under like circumstances and in the same manner as is provided by law for

similar cases in the circuit courts, but the notice published, in lieu of stating the time of the return of the summons or writ, shall state the date on or before which the defendant is required to appear, which date shall be some Monday not less than forty nor more than sixty days after the date of the first publication of notice, as the plaintiff may require.

*Fourth*—No such suit shall be commenced in the Municipal Court unless the defendant, if there be but one defendant, resides or is found within the city of Chicago, or if the defendant be a corporation unless its principal office is within said city; but if the defendant be a corporation not having a principal office in the city of Chicago, such suit may be brought in the Municipal Court whenever service of process may be had within the city upon any officer, agent or employé of such corporation upon whom service of process might be had if issued in a suit commenced in the circuit court.

*Fifth*—The provisions of paragraph fourth above, shall not apply to attachment suits brought against non-residents of this State, which suits may be brought in the Municipal Court when any property of the defendant is levied upon, or any garnishee resides or is found within the city of Chicago.

*Sixth*—When there are several defendants, one of whom resides or is found in the city of Chicago, a summons or writ may be issued to the sheriff of Cook county for any defendant residing in said county, but outside of the city of Chicago, or to the sheriff of any other county for any defendant residing in such county, and service of any summons or writ so issued shall be made in the same manner as herein required in the case of a summons or writ directed to the bailiff: *Provided, however,* that no judgment shall, in any such case, be rendered against any defendant served with process outside of the city of Chicago unless judgment be also rendered against a defendant served within said city of Chicago.

*Seventh*—The plaintiff shall file his declaration within five days after the commencement of the suit, in default whereof the suit shall be dismissed unless the court by an order entered in said suit shall extend the time for filing such declaration.

*Eighth*—The defendant shall, in case he shall have been served with process of summons, or with writ five days or more prior to the return day thereof, demur or plead to the declaration or the complaint on or before the Monday succeeding such return day; but in case the summons or writ shall have been served less than five days prior to the return day the defendant shall not be required to plead to the declaration or complaint until on or before the second Monday after such return day. In case the time for filing the declaration or complaint shall be extended by the court, the time for the defendant to demur or plead to the same shall be extended until the second Monday succeeding the expiration of such extension of time. The time within which the defendant is required to demur or plead may be extended by the court in its discretion.

But all cases provided for in this section shall be commenced, prosecuted and disposed of in some branch court, held in the First District.

§ 29. That cases of the fourth class and cases of the fifth class mentioned in section two (2) of this act shall be brought and prosecuted in the district in which the defendant, if there be but one defendant, or one of the defendants, if there be more than one defendant, resides or is found, or, if the defendant be a corporation having its principal office in the city of Chicago, in the district in which its principal office is located; but if the defendant be a corporation not having a principal office in the city of Chicago, suit may be brought in any district within which service of process may be had upon any officer, agent or employé of such corporation, upon whom service of process might be had if issued in a suit commenced in the circuit court. If, in any such case, there is more than one defendant and one defendant resides or is found within the district in which such suit is brought or is properly served with process therein, the process of such Municipal Court may be served upon the remaining defendant or defendants at any place within said city of Chicago. But no suit shall be brought against the city of Chicago or any other municipal corporation in any other than the First District. If, in any case where there is more than one defendant, process is duly served upon one or more defendants and returned not served as to another defendant or other defendants, the suit shall proceed as in like cases in the circuit court. But the requirement that the defendant, if there be but one defendant, or one of the defendants, if there be more than one defendant, must reside or be found within the district in which such suit is brought shall not apply to attachment suits brought against non-residents of this State, which suits may be brought in any district when any property of the defendant is levied upon within such district or any garnishee resides or is found in such district, nor shall it apply to forcible entry and detainer suits in which the defendants do not reside or cannot be found within the city of Chicago, which suits may be brought in any district in which the property, the possession of which is sought to be recovered, is situated, and service of summons may be had by notice by publication in the manner required by law in cases of attachments in courts of record. When, upon the complaint of any defendant, it shall be made to appear to the Municipal Court in any district that the suit has been improperly brought therein, the court shall not be required on that account to dismiss the suit, if the Municipal Court in any district could properly have jurisdiction thereof, but in such case the court may cause such suit to be transferred to the proper district and the court in the district to which the same is transferred shall proceed therewith as if the same had been originally commenced in said district: *Provided, however,* that the court may, in its discretion, require the plaintiff to pay the costs of the defendant paid by him prior to such transfer: *And, provided, further,* that whenever a trial by jury is demanded in any case, whether civil, criminal or *quasi* criminal, the court may, in its discre-



tion, direct the trial of said case to be had in the First District, and for that purpose may cause said case to be transferred to the First District, to be there tried and disposed of.

§ 30. That every suit at law in the Municipal Court, other than a case of the second class or a case of the third class mentioned in section two (2) of this act, shall be tried by the court without a jury unless the plaintiff, at the time he commences his suit, or the defendant, at the time he enters his appearance, shall file with the clerk a demand in writing of a trial by jury, which demand, however, may be withdrawn by the party filing the same at any time before the trial, and in every case of the third class mentioned in section two of this act, a trial by jury shall be deemed waived unless the defendant shall expressly demand such trial.

§ 31. That in all cases tried by jury in a municipal court each party shall be entitled to a challenge of the same number of jurors without showing cause for such challenge as are allowed in similar cases in the circuit courts and in the criminal court of Cook county and challenges for statutory and other causes shall be allowed as in similar cases in the circuit court and in said criminal court of Cook county. It shall be the duty of the judge presiding at the trial to examine or cause to be examined all jurors called into the jury box in any case with respect to their statutory qualifications to serve as petit jurors in such case and to permit the plaintiff, or the people, and the defendant to propound to the jurors such pertinent questions as may be necessary for the purpose of ascertaining whether the jurors are biased or prejudiced. But upon appeal or writ of error to review any judgment of said Municipal Court in any case tried therein by jury no assignment of error shall be allowed which shall call in question any ruling of the court pertaining to or connected with the impaneling of the jury, other than one improperly restricting the right of the defendant to examine the jurors as to bias or prejudice, or improperly overruling a challenge by the defendant of a juror for bias or prejudice.

§ 32. That the Municipal Court in any civil suit pending therein, at any time before the trial or final hearing thereof, may permit the filing therein of interrogatories to be answered by any party to such suit or any person for whose immediate benefit such suit is prosecuted or defended, or by the directors, officers, superintendent or managing agents of any corporation which is a party to the record in such suit, at the instance of the adverse party or parties or any of them and to require an answer under oath to all such interrogatories as the party to be interrogated might be required to answer, if called as a witness upon the trial or hearing of such suit, but the party filing such interrogatories shall not be concluded by the answers thereto, if he shall elect to introduce the same or any or either of them upon the trial or final hearing.

§ 33. That upon the trial or hearing of any suit in the Municipal Court any party thereto or any person for whose immediate benefit such suit is prosecuted or defended, or the directors, officers, super-



intendent or managing agents of any corporation which is a party to the record in such suit may be examined upon the trial thereof as if under cross-examination at the instance of the adverse party or parties or any of them, and for that purpose may be compelled, in the same manner and subject to the same rules for examination as any other witness, to testify, but the party calling for such examination shall not be concluded thereby but may rebut the testimony thus given by counter testimony.

§ 34. That whenever in any suit pending in the Municipal Court evidence shall be necessary concerning any fact in support of or in opposition to any interlocutory or other motion or application, other than an application for a change of venue, the court may in its discretion, require such evidence to be presented by the oral examination of witnesses in open court or otherwise and may make all necessary orders for such oral examination.

§ 35. That any judge of the Municipal Court shall upon application of either party and upon reasonable notice to the opposite party have power to sign or otherwise make any order in any suit pending in the Municipal Court at any place within the city of Chicago, whenever in the opinion of such judge the granting of such order at such place is in furtherance of justice and such order shall be as effective as if made in any court room of said court or in the chambers of said judge.

§ 36. That cases in the Municipal Court shall be tried in such order and the calendars of cases shall be so arranged as may be determined by the chief justice or by rules of the court adopted as herein provided.

§ 37. That in trials by jury in the Municipal Court the court shall charge the jury as to the law only and the charge may, in the discretion of the Court, be given orally or in writing, but, when given orally, it shall be taken down in shorthand and at the request of either party a transcript thereof shall be made and filed in the cause in which such charge is given and shall be made a part of the record in such case.

§ 38. That whenever it appears in any bill of exceptions signed in any case of the first class or any case of the second class or any case of the third class, mentioned in section two (2) of this act, tried and determined in the municipal court, that any erroneous ruling was made by said municipal court, against the objection of the party complaining thereof, but that no formal exception was taken by such party thereto, such erroneous ruling shall be subject to review upon appeal or writ of error to the same extent and in like manner as if it appeared that a formal exception had been taken thereto by the party complaining, and no bill of exceptions shall be held defective for the want of the seal of the judge thereto. Upon the prosecution of an appeal or writ of error to review any judgment of the municipal court, in any such case, the original bill of exceptions, in lieu of a certified copy thereof, shall be inserted in the transcript of the record to be

filed in the Supreme Court or Appellate Court upon such appeal or writ of error, unless the municipal court shall otherwise direct, and upon the final determination of such appeal or writ of error, such original bill of exceptions shall be remitted to the municipal court.

§ 39. That no application for a change of venue in any case of the fourth class or in any case of the fifth class mentioned in section two (2) of this act, or in any criminal case punishable by fine or imprisonment otherwise than in the penitentiary, on account of the prejudice of the judge shall be allowed by the municipal court when the applicant names in his application more than one judge from whom such change of venue is desired, nor unless such application for a change of venue is made by petition as in like cases in the circuit courts, and such petition is filed at or before the time for filing or entering by the defendant of his appearance in the suit in which such change of venue is asked for, if such suit is a civil suit, or at or before the time the defendant is required to plead if such suit is a criminal suit, and in no case shall the granting of any change of venue delay the trial of the suit, but such suit shall be tried and disposed of at the time set for the trial thereof or at the time to which the trial thereof may be postponed before some other judge of the court than the one from whom the change of venue has been granted, or in any other district in which the same may be ordered to be tried, and all orders necessary for the setting of such case for trial and for the securing of a speedy trial thereof may be made by the judge from whom said change of venue has been obtained.

§ 40. That every case of the fourth class and every case of the fifth class mentioned in section two (2) of this act, excepting attachment suits, replevin suits, cases of distress for rent, and forcible entry and detainer suits, and also quasi criminal cases brought in the municipal court, shall be commenced by the filing by the plaintiff with the clerk of a *præcipe* for a summons, specifying the names of the parties to the suit, the amount of the plaintiff's claim and the day at which the summons shall be made returnable, which day shall not be less than five (5) nor more than fifteen (15) days from the filing of the *præcipe*, and a bill of particulars of the plaintiff's claim, which bill of particulars, if the suit be upon a contract, express or implied, shall consist of a statement of the account or of the nature of the demand, or, if the suit be for a tort, it shall consist of a brief statement of the nature of the tort and such further information as will reasonably inform the defendant of the nature of the case he is called upon to defend, but nothing herein contained shall be construed to require the bill of particulars in any action for a tort to set forth the cause of action with the particularity required in a declaration at common law. In cases of the fourth class and in cases of the fifth class mentioned in section two (2) of this act, the municipal court may adopt such rules and regulations as it may deem necessary to enable the parties, in advance of the trial, to ascertain the nature of the plaintiff's claim or claims, or of the defendant's defense or defenses.

§ 41. That upon the filing of such praecipe and bill of particulars the clerk of the municipal court shall issue a summons to the defendant directed to the bailiff to execute and returnable at ten o'clock a. m. sharp of the day for such return specified in the praecipe, which summons shall state the amount of the plaintiff's claim and shall be attested in like manner as a summons issued out of a court of record. Upon every such summons there shall be printed in plain type the provisions of this act pertaining to defaults in case of non-appearance of the defendant, and setting of the case for trial in case of appearance, and such further information as may be prescribed by the chief justice.

§ 42. That every such summons issued out of the municipal court shall be served, if the defendant be an individual, by delivering to him a copy thereof and informing him of its contents, or, if the defendant be a corporation, service shall be made upon such corporation in the same manner as is now or hereafter may be provided by law for the service of process upon such corporation in a suit at law when issued out of a circuit court. In case said summons shall not be served upon the defendant three days or more prior to the return day thereof an alias summons may be issued and a subsequent pluries summons may be issued in any case when a previous alias or pluries summons shall not have been served upon the defendant three days or more prior to the return day fixed in the previous summons. Service of such alias or pluries summons shall be made in the same manner as that above provided for the service of the original summons.

§ 43. That upon the return of any such summons duly served upon the defendant, the plaintiff shall be entitled to judgment as in case of default, unless the defendant shall either appear in person at the time specified in such summons, or shall, at or before the time fixed in such summons for his appearance, file his appearance in writing in said municipal court. Upon such default the court shall assess the damages after hearing such evidence as the court may deem sufficient for that purpose. In case the defendant shall desire upon the trial to present any set-off or counter claim, he shall file a bill of particulars thereof with his appearance: *Provided, however,* the court may, in its discretion, extend the time for the filing of such bill of particulars. It shall be the duty of the court at ten o'clock, a. m. sharp of each day upon which the court is open for business, or as soon thereafter as is practicable, to call the cases in which the summonses are then returnable for the purpose of ascertaining whether the defendants therein have appeared in person or have entered their appearance in writing, and to give such directions with respect to such appearances as the court may find necessary or proper for the information of the parties.

§ 44. That the clerk of the municipal court shall keep on hand and furnish to suitors and attorneys on application printed blank forms of praecipes, summonses, entries of appearance, affidavits,

bonds, attachment writs, replevin writs, petitions for changes of venue, and all other papers necessary for the use of the parties to suits in such court. Forms for such papers shall be prescribed by the chief justice of the municipal court, who shall also from time to time prescribe and cause to be printed forms of bills of particulars to be used in said court.

§ 45. That if in any case of the fourth class or in any case of the fifth class mentioned in said section two (2) of this act, brought in the municipal court, the defendant shall appear at the time specified in the summons or shall have entered his appearance in writing at or before the time so specified, the court shall, at such time, or as soon thereafter as practicable, fix a time for the trial thereof, and such case shall be tried at the time so fixed, or as soon thereafter as the other business of the court will permit.

§ 46. That amendments to bills of particulars, praecipes, summons and other papers filed by either party may, in the discretion of the court, be allowed at any time.

§ 47. That the court may in any case of the fourth class or any case of the fifth class mentioned in section two (2) of this act, grant such postponements of the trial, and may make such other orders in respect thereto as the court may deem proper and necessary for the protection of the rights of the parties, and the failure of the court to try any such case at the time to which trial has been postponed shall not operate as a discontinuance, but the same shall remain under the control of the court until the final disposition thereof.

§ 48. That the practice and proceedings in the municipal court, other than the mode of trial and the proceedings subsequent to the trial, in cases of attachment, replevin, distress for rent and forcible entry and detainer included within the cases of the fourth class and within the cases of the fifth class mentioned in section two (2) of this act, shall be the same, as near as may be, as that which is now prescribed by law for similar cases in courts of record, with the following exceptions:

*First.* There shall be no written pleadings, excepting such as are required by law in similar cases before justices of the peace, other than the affidavits in attachment and replevin, copies of the distress warrants in cases of distress for rent, and the complaint in forcible entry and detainer, and the writs shall be made returnable in like manner as the summons in other cases of such classes in the municipal court.

*Second.* In attachment cases the plaintiff at the time of the commencement of his suit and the defendant at the time of his appearing in person or of his entering his appearance in writing, if he shall desire upon the trial to present any set-off or counter-claim, shall file a bill of particulars thereof.

*Third.* In forcible entry and detainer cases the plaintiff may unite with his claim for possession of the property any claim for rent or damages for withholding possession of the same, providing such claim does not exceed one thousand dollars (\$1,000.)



*Fourth.* The mode of trial and all proceedings subsequent to the trial shall be the same, as near as may be, as in other cases of the fourth class and cases of the fifth class, mentioned in section two (2) of this act.

§ 49. That the practice in the municipal court in *quasi* criminal cases shall be the same as is herein prescribed for civil cases of the fourth class mentioned in section two (2) of this act, in said court, excepting as follows:

*First.* The first process in any suit for the violation of any municipal ordinance shall, except as hereinafter provided, be a summons. If the defendant, after being duly served with summons, fails to appear personally at the time specified in the summons, or to enter his appearance at or before such time, the court may proceed, as in case of default, or may issue a warrant for the arrest of the defendant.

*Second.* When the offense complained of is also a violation of any provision of the criminal code, the court may issue a warrant in the first instance for the violation of the ordinance under the like circumstances under which a warrant might issue for a violation of the criminal code, and such warrant may be served at any place within the city of Chicago if the court in its discretion shall so direct.

*Third.* A warrant may issue in the first instance upon the affidavit of any person that an ordinance has been violated and that the person making the complaint has reasonable grounds to believe the party charged is guilty thereof and will escape unless arrested, and stating the facts upon which such belief is based: *Provided*, the judge to whom application is made for such warrant shall be satisfied, after examining under oath the party making the affidavit, that such arrest should be made, and any person arrested upon any warrant herein provided for shall, without unnecessary delay, be taken before the branch court to which such warrant is returnable and tried for the alleged offense, and such warrant may be served at any place within the city of Chicago, if the court in its discretion shall so direct.

§ 50. That upon the arrest of any person for any criminal or *quasi* criminal offense within the jurisdiction of the municipal court, any judge of the municipal court, or any judge of the circuit or superior court of Cook county shall have power to let such person to bail and in case of the arrest of any person for any *quasi* criminal offense or for any offense when the punishment is by fine or imprisonment otherwise than in the penitentiary, the chief of police or any captain, lieutenant or sergeant of police of the city of Chicago shall have power to let such person to bail. The bail bond in any such case shall be conditioned for the appearance of the person arrested before some branch court at a time fixed in such bond for such appearance, which time shall be not later than two days after the date of the bond. Any bond so taken shall be signed by one or more sureties to be approved by such judge or officer, who shall be authorized and required to administer oaths for the purpose of ascertaining the sufficiency of the sureties. All bonds so taken shall be filed with the

clerk of the municipal court at the branch court at which the person so arrested is required to appear. The exercise of the power hereby conferred of letting to bail shall be subject to regulation by such rules as may be adopted by a majority of the judges of the municipal court as herein provided. But any person so arrested shall have the right to be brought immediately before the municipal court in the district in which he is arrested, or, if there be no judge then in attendance upon such court, to the municipal court in any other district at which there may be a judge then in attendance, to be dealt with by such court according to law. The court may, by rule, provide that any defendant arrested in any criminal case in which the punishment is by fine only, or in any *quasi* criminal case, may, in lieu of giving bail for his appearance, deposit with the clerk such sum of money as the court may deem sufficient to secure his appearance at the time or times so fixed therefor. Such sum to be forfeited and paid into the city treasury in case such defendant shall fail to appear at the time or times so fixed.

§ 51. That if the method of procedure in any case within the jurisdiction of the municipal court is not sufficiently prescribed by this act, or by any rule of court adopted in pursuance hereof, the branch court in which the same is brought or proposed to be brought, may make such provision for the conducting and disposing of the same as may appear to the court proper for the just determination of the rights of the parties.

§ 52. That both in direct and in collateral proceedings the same presumptions shall be indulged with respect to the jurisdiction of the municipal court over the subject matter of suits and over the parties thereto, as are indulged with respect to the jurisdiction of circuit courts in like cases.

§ 53. That any money judgment rendered by the municipal court, when no execution issued thereon is outstanding, may be satisfied by the payment by the party against whom the same has been rendered of the amount thereof to the clerk of said court, who, upon payment being made, shall enter satisfaction thereof and shall, upon demand, pay over the money received by him to the person appearing of record to be entitled thereto.

§ 54. That the municipal court shall take judicial notice of all matters of which courts of general jurisdiction of this State are required to take judicial notice, and also of the following:

1. All general ordinances of the city of Chicago and all general ordinances of every municipal corporation situated in whole or in part within the limits of the city of Chicago.

2. All laws of a public nature enacted by any state or territory of the United States.

§ 55. That the masters in chancery of the circuit and superior courts of Cook county shall be *ex officio* masters in chancery of the municipal court.

§ 56. That the costs in civil cases in the municipal court shall be as follows:

*First*—In a case of the first class mentioned in section two (2) of this act the plaintiff at the time of commencing his suit shall pay to the clerk in full for all services to be rendered by said clerk for the plaintiff in said suit other than the making or furnishing of transcripts of the record, the sum of eight dollars (\$8), and if he at the same time files with the clerk a demand in writing of a trial by jury he shall pay to the clerk the further sum of six dollars (\$6) to be applied towards the payment of the fees of jurors in said court.

*Second*—In a case of the second class mentioned in section two (2) of this act the plaintiff, at the time of the bringing of the transcript of the record to the municipal court, shall pay to the clerk in full for all services to be rendered by said clerk for the plaintiff in said suit other than the making or furnishing of transcripts of the record, the sum of eight dollars (\$8), and if he at the same time files with the clerk a demand in writing of a trial by jury, he shall pay to the clerk the further sum of six dollars (\$6) to be applied towards the payment of the fees of the jurors in said court.

*Third*—In any case of the first class or of the second class mentioned in section two (2) of this act the defendant at the time of filing his appearance, and before he shall be permitted to make any defense, shall pay to the clerk in full for all services to be rendered by said clerk for the defendant in said suit, other than the making or furnishing of transcripts of the record, the sum of three dollars (\$3), and if he shall at the same time file with the clerk a demand in writing of a trial by jury, he shall pay to the clerk the further sum of six dollars (\$6) to be applied towards the payment of the fees of the jurors in said court.

*Fourth*—In any case of the fourth class or of the fifth class mentioned in section two (2) of this act, the plaintiff, at the time of commencing his suit shall pay to the clerk in full for all services to be rendered by said clerk, if such case be other than an action of forcible entry and detainer, the sum of two dollars (\$2) when the amount claimed by him in money or property does not exceed two hundred dollars (\$200); the sum of five dollars (\$5) when the amount claimed by him exceeds two hundred dollars (\$200) but does not exceed one thousand dollars (\$1,000); and the sum of two dollars (\$2) in a case of forcible entry and detainer, and if the plaintiff at the time he commences his suit files with the clerk a demand in writing of a trial by jury, he shall pay to the clerk the further sum of six dollars (\$6) to be applied towards the payment of the fees of jurors in said court.

*Fifth*—In any case of the fourth class or of the fifth class mentioned in section two (2) of this act the defendant, at the time of his appearance, shall pay to the clerk in full for all services to be rendered by said clerk, if the suit be other than an action of forcible entry and detainer and the amount claimed by the plaintiff in money or property exceeds two hundred dollars (\$200) the sum of two dollars (\$2), and if the defendant shall at the same time file with the clerk a

demand in writing of a trial by jury he shall pay to the clerk the further sum of six dollars (\$6) to be applied towards the payment of the fees of jurors in said court.

*Sixth*—The costs to be paid for the services of the bailiffs and of sheriffs and other costs not included in the above in cases of the first class and in cases of the second class mentioned in section two (2) of this act shall be the same as those required by law from time to time to be paid for similar services in cases in the circuit court of Cook county.

*Seventh*—In any case of the fourth class or of the fifth class mentioned in section two (2) of this act the party delivering to the bailiff any summons, writ of attachment, writ of replevin, subpoena, writ of execution or other process shall at the time of making such delivery pay to the bailiff the sum of one dollar (\$1) for each defendant named in such process upon whom service thereof is to be made, and in cases of writs of attachment, replevin or execution, he shall pay to the bailiff the further sum of one dollar (\$1) when any levy upon or seizure of property is to be made thereunder, and shall also pay to the bailiff the actual expense of seizing or caring for any property levied upon or seized thereunder.

*Eighth*—In any case of the fourth class or of the fifth class mentioned in section two (2) of this act, the party procuring any certified copy of the record or of any portion thereof in any case shall pay to the clerk the same fees required by law from time to time to be paid to the clerk of the circuit court of Cook county for similar services.

*Ninth*—In any case of the fourth class or of the fifth class mentioned in section two (2) of this act the bailiff, as commissions on moneys realized by execution, shall collect from the defendant in the execution five (5) per cent upon the amount realized if it do not exceed one hundred dollars (\$100), but if the amount realized exceeds one hundred dollars (\$100) the bailiff shall collect five (5) per cent on the first one hundred dollars (\$100) and three per cent upon the excess over one hundred dollars (\$100).

The amounts hereby required to be advanced when a demand in writing of a trial by jury is filed to be applied towards the payment of the fees of jurors in said court shall be paid by the clerk into the city treasury.

In any case included within the terms of this section the court may, in its discretion, order that an advance payment of costs may be waived in favor of any poor person whose financial circumstances, as made to appear to the court, are such that an advance payment would be unduly burdensome or oppressive.

§ 57. That the costs in criminal and in *quasi* criminal cases and proceedings in the municipal court, instituted in the name or by the authority of the people or in the name of any State or county officer in his official capacity, shall be as follows:

*First*—The clerk's fees in full for all services rendered by him shall be the sum of six dollars (\$6).



*Second*—The bailiff's fees shall be the same as those which may now or hereafter be fixed by law for the sheriff in counties of the third class for similar services.

All moneys collected upon judgments of the municipal court in such cases shall be paid to the clerk, who shall, at the end of every three months, apply the same, or so much thereof as may be necessary, to the payment of the uncollected costs in criminal and *quasi* criminal cases instituted in the municipal court in the name of the people, or in the name of any State or county officer in his official capacity, and pay over the balance, if any, to the officer entitled by law to receive the same.

§ 58. That the costs in cases in the municipal court instituted in the name of the city of Chicago or in the name of any officer thereof in his official capacity, shall be as follows:

*First*—The clerk's fees in full for all services rendered by him shall be the sum of six dollars (\$6).

*Second*—The bailiff's fees shall be the same as those which may now or hereafter be fixed by law for the sheriff in counties of the third class for similar services.

All moneys collected upon judgments of the municipal court in cases for the violation of the ordinances of the city of Chicago shall be paid to the clerk, who shall pay over the same to the city of Chicago, within one week after receiving the same.

§ 59. That the clerk and each deputy clerk shall collect for the acknowledgment and entering of memoranda of chattel mortgages and for the acknowledgment of other written instruments the same fees allowed by law to justices of the peace for similar services and the fees so collected and all costs collected in each week by the clerk and bailiff shall be paid over by them respectively to the city of Chicago on the Monday of the succeeding week, and the clerk and bailiff shall be held personally responsible for all costs required to be paid to them in advance as hereinbefore provided and the clerk shall be personally responsible for all fees required as aforesaid to be collected by him and by each deputy clerk. The clerk and the bailiff shall be required to keep complete and accurate accounts of all moneys collected by them and by their respective deputies, and such accounts shall, under the direction of the chief justice of said municipal court, be examined and audited monthly, the expense thereof to be paid by the city.

§ 60. That the offices of justices of the peace, police magistrates and constables in and for the territory within the city of Chicago be and they are hereby abolished, and that the jurisdiction of justices of the peace in the territory of the county of Cook outside of the city of Chicago be and it is hereby limited to the territory of said county outside of said city, but this section of this act shall not become operative until the first Monday of December, A. D. 1906, and on and after said date the jurisdiction hereby conferred upon the municipal court shall exclude the exercise of any portion of such jurisdiction by all other courts excepting courts of record, and on and after said first

Monday of December, A. D. 1906, no other court than a court of record shall exercise jurisdiction in any case in which said municipal court is given jurisdiction by this act.

§ 61. That when the offices of justices of the peace within the city of Chicago shall be abolished the docket of each justice of the peace whose office is thus abolished and all papers in his possession pertaining to proceedings had before him shall be forthwith delivered up to the clerk of the municipal court, who shall preserve the same in his office kept in the First district and who shall have full power and authority to certify to transcripts of such proceedings as such justice of the peace would have had, had the office not been abolished. Executions may be issued by the clerk of said court upon any unsatisfied judgments rendered by such justice of the peace in all cases in which the same might have been issued had such office of justice of the peace not been abolished, and said municipal court shall allow an appeal to the circuit or superior court of Cook county from any judgment rendered by any justice of the peace within twenty (20) days prior to the first Monday of December, A. D. 1906, upon the giving by the appellant of an appeal bond with security as now required by law in cases of appeals from justices of the peace: *Provided*, such appeal is prayed at any time within twenty (20) days after the first Monday of December, A. D. 1906. In all cases not determined or finally disposed of by such justice of the peace at the time his office is abolished, such proceedings shall be had in said municipal court, as might be had were such suits originally brought in said court, but no trial of any such case shall be had in said court without such notice to the parties thereto as the court may deem necessary. All writs issued by justices of the peace within the city of Chicago and which shall not have been returned on the first Monday of December, A. D. 1906, shall be forthwith returned to the municipal court, and said municipal court shall have full power to make such provision for the execution or other disposition of all such writs as said court may deem proper for the protection of the rights of the respective parties to the suits in which such writs have been issued.

§ 62. That it shall be the duty of the chief justice of the municipal court to superintend the keeping of the records of said court and to prescribe abbreviated forms of entries of orders therein, which abbreviated forms so prescribed shall have the same force and effect as if said orders were entered in full in the records of said court. When any certified transcript of the record, or any portion thereof, of any suit or proceeding in said court is required, the same shall be written out in full from such abbreviated forms and duly authenticated according to law.

§ 63. That the orders, judgments, and decrees of the municipal court in cases of the first class and cases of the second class shall have the same force, be of the same effect, be liens upon real estate in the city of Chicago to the same extent and under the same circumstances, and be executed and enforced in the same manner as the judgments, orders and decrees of the circuit court of Cook county, and such judgments and decrees shall also be liens upon real estate

in the county of Cook outside of the city of Chicago after certified transcripts of the same shall have been filed in the office of the recorder of Cook county, which transcripts shall contain the names of the parties to the suits, the kinds of actions, the amounts of the judgments or the general nature and effect of the decrees as the case may be, and the dates on which the judgments and decrees were rendered: *Provided, however,* that no such orders, judgment or decrees shall be liens upon or affect registered land or any estate or interest therein until a certificate under the hand and official seal of the clerk of the municipal court, stating the date, and purport of the judgment, decree or order, is filed in the office of the register of titles of said Cook county, and a memorial of the same is entered upon the register of the last certificate of title to be affected.

§ 64. That all other judgments of the municipal court shall have the same force, be of the same effect and be executed and enforced in the same manner as the judgments of the circuit court of Cook county. But no such judgment shall be a lien upon the real estate of the person against whom it is obtained, excepting from the time of the filing of a certified transcript thereof in the office of the recorder of Cook county, which transcript shall contain the names of the parties to the suit, the kind of action, the amount of the judgment and the date upon which the same was rendered: *Provided, however,* that no such judgment shall be a lien upon or affect registered land or any estate or interest therein until a certified transcript thereof is filed in the office of the register of titles of Cook county and a memorial of the same is entered upon the register of the last certificate of title to be affected. The recorder of Cook county shall provide and keep in his office for said municipal court well bound books for entering therein an alphabetical docket of all judgments and decrees rendered in said municipal court as is now required by law for docketing judgments and decrees rendered in circuit courts and shall forthwith, after the filing of any transcript herein provided for, enter the same, together with the hour, day, month and year of the filing of such certified transcript and the general number thereof.

§ 65. That in case it shall be hereafter determined that so much of sections nine (9) and twelve (12) hereof as fixes the terms of office of the chief justice and associate judges of the municipal court is invalid, this act shall not on that account be judged wholly invalid, but the terms of office of the chief justice and associate judges of said municipal court shall in such case be four (4) years, and they shall hold their offices until their successors shall be elected and qualified, and on the first Tuesday after the first Monday of November, A. D. 1910, and on the first Tuesday after the first Monday of November of every fourth year thereafter there shall be elected a chief justice and twenty-seven (27) associate judges of said municipal court as successors in office of the judges hereby required to be elected on the first Tuesday after the first Monday of November, A. D. 1906, and the terms of office of the associate judges which may be added to said municipal court in pursuance of section twelve (12) hereof shall be four (4) years.

§ 66. That the invalidity of any portion of this act shall not affect the validity of any other portion thereof, which can be given effect without such invalid part.

§ 67. That this act shall be submitted to a vote of the legal voters of the city of Chicago at the general election to be held on the first Tuesday after the first Monday of November, A. D. 1905. The ballots to be used at said election in voting upon this act shall be in substantially the following form:

For consenting to the act entitled "An act in relation to a Municipal Court in the City of Chicago."	
Against consenting to the act entitled "An act in relation to a Municipal Court in the City of Chicago."	

If a majority of the legal voters of said city voting on the question at such election shall vote in favor of consenting to this act, the same shall immediately thereupon take effect and become operative.

APPROVED May 18, 1905.

#### PROBATE COURTS—JURISDICTION EXTENDED.

- § 1. Confers original jurisdiction over testamentary trusts—chancery power of court.
- § 2. Practice in matters of testamentary trusts.
- § 3. Sale and distribution of real estate—rules of procedure.

- § 4. Sales by trustee effectual against heirs—death of trustee—successor.

- § 5. Fees of clerks of court.

- § 6. What act does not repeal.

Filed May 18, 1905.

*AN ACT to extend the jurisdiction of probate courts and county courts having probate jurisdiction so as to include the complete administration of testate estates.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That original jurisdiction is hereby conferred upon probate courts and county courts in counties where no probate courts are now, or may hereafter be established according to law to supervise and control all testamentary trusts created by original wills of deceased persons proved and admitted to probate in such court. The jurisdiction hereby conferred shall include the appointments and removals of trustees, the issuing of letters of trusteeship to such trustees, the fixing and approving of their bonds and the settlement of their accounts; and in regard thereto said court shall have and exercise full chancery powers.

§ 2. The practice in such matters of testamentary trusts in probate or county courts as herein provided shall be as nearly as may be analogous to that now existing in the probate and settlement of testate estates. The court shall have power in a summary manner to



require the filing of accounts of testamentary trustees and to enforce all orders in relation thereto by citation or attachment in the same manner as is now provided by law in case of executors and administrators.

§ 3. The supervision and control of testamentary trusts vested by this act in probate courts and county courts in counties where no probate courts are now, or may hereafter be established according to law, shall extend to and include the power in such courts to order the sale of the real estate to which any testator had claim or title, or such part thereof as may be necessary, for the payment of legacies or other charges made thereon by the testator, and in cases where the court shall find it necessary or expedient for the complete execution of the will of the testator and the equitable distribution of his estate in accordance therewith, that such real estate or part thereof be sold. In the exercise of this power such courts shall proceed, as near as may be, in conformity with the procedure established by law for the sale of real estate to pay debts in courts having probate jurisdiction.

§ 4. All such sales of real estate shall be made, and conveyances executed for the same by the executor, administrator with the will annexed, or testamentary trustee applying for such order, and shall be valid and effectual against the heirs and devisees of such testator, and all other persons claiming by, through or under him or them. In case of the death of the executor, administrator with the will annexed or testamentary trustee applying for an order of sale before conveyance is made, his successor shall proceed in the premises and make conveyance in the same manner as if he had originally applied for such order, which conveyance shall be good and valid.

§ 5. The clerks of probate and county courts having probate jurisdiction shall be entitled to take fees as are now, or hereafter may be authorized by law for like service in the matter of the estates of deceased persons, but no docket fee shall be charged against any estate so held in trust where the original estate when probated was charged and paid a docket fee as provided by law.

§ 6. Nothing in the act contained shall be construed as repealing any of the provisions of an act entitled, "An act concerning land titles," approved and in force May 1, 1897, nor any of the provisions of an act entitled, "An act to amend sections seven (7) and eighteen (18) of an act entitled, 'An act concerning land titles,' approved and in force May 1, 1897," approved May 18, 1903, and in force July 1, 1903.

This bill having remained with the Governor for a period of ten days (Sundays excepted) after the adjournment of the General Assembly, and he not having filed it with his objections thereto in the office of the Secretary of State, it becomes a law in like manner as if he had signed it.

Witness my hand this 18th day of May. A. D. 1905.

JAMES A. ROSE,

*Secretary of State.*

NOTE.—It appears from the enrolled bill filed in this office that the presiding officer of the Senate did not sign the same, but the records of this office show that said bill, designated as Senate Bill No. 118, passed the Senate March 28, 1905, receiving 30 affirmative votes and 2 negative votes, and that the said bill with House amendments passed the House of Representatives May 5, 1905, receiving 113 affirmative votes and 7 negative votes; and the records further show that the Senate concurred in the House amendments May 5, 1905, there being 27 votes in favor of concurring and no negative votes.

JAMES A. ROSE,

*Secretary of State.*

## COURTS PROBATE—TERMS REGULATED.

§ 1. Amends section 6, act of 1877.

§ 6. Term opens first Monday each month—always open for certain business.

§ 2. Repeal.

Approved May 13, 1905.

AN ACT to amend section six of "An act to establish probate courts in all counties having a population of seventy thousand (70,000) or more, to define the jurisdiction thereof, and to regulate the practice therein, and to fix the time for holding the same," approved April 27, 1877, in force July 1, 1877, as amended by an act approved May 21, 1881, in force July 1, 1881.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section six of an act entitled "An act to establish probate courts in all counties having a population of seventy thousand (70,000) or more, to define the jurisdiction thereof and regulate the practice therein, and to fix the time for holding the same," approved April 27, 1877, in force July 1, 1877, as amended by an act approved May 21, 1881, in force July 1, 1881, be and the same is hereby amended to read as follows:

§ 6. The terms of the probate court shall commence on the first Monday of each month during the year, and shall be always open for the granting of letters testamentary, letters of administration and guardianship and for the transaction of probate business and all other matters of which it has jurisdiction, and shall continue open from day to day until all business before it is disposed of.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

APPROVED May 13, 1905.

## CRIMINAL CODE.

## CRIMES AGAINST CHILDREN.

§ 1. Crimes against children defined—penalty. | Approved May 11, 1905.

AN ACT for the punishment of crimes against children.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any person who shall entice, allure or persuade any child into any room or enclosure, or into any place for the purpose of taking any immoral, immodest or indecent liberties, or shall take or attempt to take such liberties with such child, or who shall wilfully commit any lewd or lascivious act (other than the offences constituting the infamous crimes against nature, incest, rape and seduction) upon or with the body or any part or member thereof of such child, with the intent of arousing, appeal-

ing to or gratifying the lust or passions or sexual desires of such person or of such child, shall be guilty of a felony and shall be imprisoned in the penitentiary not less than one year nor more than twenty years: *Provided*, that the term "child," as used in this act shall be construed to mean any child of either sex who shall be under the age under which carnal knowledge of female persons, either with or without their consent shall be rape.

APPROVED May 11, 1905.

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DELINQUENT CHILD—LIABILITY OF PARENT OR GUARDIAN.

§ 1. Parent or guardian liable—penalty—suspension of sentence—release.

Approved May 13, 1905.

AN ACT *to provide for the punishment of persons responsible for, or directly promoting or contributing to, the conditions that render a child dependent, neglected or delinquent, and to provide for suspension of sentence and release on probation in such cases.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* Any parent or parents, or legal guardian, or person having the custody of any dependent, neglected or delinquent child, as defined by the statutes of this State, or any other person who shall knowingly or wilfully encourage, aid, cause, abet or connive at such state of dependency, neglect or delinquency, or shall knowingly or wilfully do any act or acts that directly produce, promote or contribute to, the conditions which render such child a dependent, neglected or delinquent child as so defined, or who, having the custody of such child, shall, when able to do so, wilfully neglect to do that which will directly tend to prevent such state of dependency, neglect or delinquency, or to remove the conditions which render such child either a neglected, dependent or delinquent child, as aforesaid, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than two hundred dollars, or by imprisonment in the county jail, house of correction, or workhouse, for not more than twelve months, or both by such fine and imprisonment: *Provided*, that instead of imposing the punishment hereinbefore provided, the court shall have the power to enter an order suspending sentence and releasing the defendant from custody, on probation, for the space of one year, upon his or her entering into a recognizance, with or without sureties, in such sums as the court may direct. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court whenever ordered to do so within a year, and shall provide and care for such dependent, neglected or delinquent child in such manner as to prevent a continuance or repetition of such state of dependency, neglect or delinquency, or as otherwise may be directed by the court, and shall further comply with the terms of such order, then the recognizance shall be void, otherwise of full force and effect. If the court be satisfied, by information and due proof under oath, that

at any time during the year the defendant has violated the terms of such order, it may forthwith revoke such order and sentence him or her under the original conviction. Unless so sentenced, the defendant shall, at the end of such year, be discharged and such conviction shall become void.

APPROVED May 13, 1905.

#### FRAUDS IN THE PRACTICE OF LAW.

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| § 1. Practicing law without license—penalty. | Approved May 16, 1905. |
| § 2. Definitions of words used in this act.  |                        |

*AN ACT to prevent and punish frauds in the practice of law.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any person residing in this State not being regularly licensed to practice law in the courts of this State, who shall in any manner hold himself out as an attorney at law or solicitor in chancery or represent himself either verbally or in writing, directly or indirectly, as authorized to practice law, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five (\$25) dollars, nor more than five hundred (\$500) dollars, or imprisonment in the county jail not exceeding one year, or by both fine and imprisonment, at the discretion of the court, for each and every offense, said misdemeanor to be prosecuted and costs assessed as in other cases of misdemeanor under chapter 38 of the Revised Statutes of Illinois.

§ 2. The use of the words "attorney at law," "lawyer," "solicitor in chancery," "counsellor at law," "law office," "attorney and counsellor," or other equivalent words by any person not licensed as such, in connection with his own name on any sign, advertisement, business card, letter head, circular, notice or other writing, document or design, the evident purpose of which is to induce others to believe and understand such person to be an attorney at law, shall be taken and held to be a "holding out" within the meaning of section one (1) of this act.

APPROVED May 16, 1905.

#### MOB VIOLENCE—SUPPRESSION OF.

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| § 1. Mob defined.  | § 5. Heirs of victim may recover from municipality.   |
| § 2. Serious injury defined.                                   |   |
| § 3. Intent to inflict injury—penalty.                         | § 6. Lynching prisoner taken from custody of officer—penalty as against officer—vacancy—re-instatement. |
| § 4. Damage by violence — penalty—action against municipality. | Approved May 16, 1905.  |

*AN ACT to suppress mob violence.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any collection of individuals, five or more in number, assembled for the unlawful purpose of offering violence to the person or property of any one supposed to



have been guilty of a violation of the law, or for the purpose of exercising correctional powers or regulative powers over any person or persons by violence, and without lawful authority, shall be regarded and designated as a "mob."

§ 2. The term "serious injury," for the purposes of this act, shall include any injury to property which shall cause damage to the owner thereof, or any injury to the person which shall temporarily or permanently disable the person injured from earning a livelihood.

§ 3. Any person or persons who shall compose a mob, with the intent to inflict damage or injury to the person or property of any individual charged with a crime, or, under the pretence of exercising correctional powers over such person or persons by violence, and without authority of law, shall be subject to a fine of not less than one hundred dollars nor more than one thousand dollars, and may be imprisoned in the county jail not less than thirty days nor to exceed twelve months for each and every offense.

§ 4. Any person or persons, composing a mob under the provisions of this act, who shall by violence inflict material damage to the property or serious injury to the person of any other person upon the pretence of exercising correctional powers over such person or persons, by violence and without authority of law, shall be deemed guilty of a felony, and shall suffer imprisonment in the penitentiary not exceeding five years; and any person so suffering material damage to property or injury to person by a mob shall have an action against the county or city in which such injury is inflicted, for such damages as he may sustain, to an amount not exceeding five thousand dollars.

§ 5. The surviving spouse, lineal heirs, or adopted children of any such other person or persons who, before the loss of life, were dependent for support upon any other person who shall hereafter suffer death by lynching at the hands of a mob, in any county or city of this State, may recover from such county or city damages for injury sustained by reason of the loss of life of such person, to a sum not exceeding five thousand dollars.

§ 6. If any person shall be taken from the hands of a sheriff, or his deputy, having such person in custody, and shall be lynched, it shall be *prima facie* evidence of failure on the part of such sheriff to do his duty, and upon the fact being made to appear to the Governor, he shall publish proclamation declaring the office of such sheriff vacant, and his office shall thereby and thereafter immediately be vacated, and the coroner shall immediately succeed to and perform the duties of sheriff until the successor of such sheriff shall have been duly elected or appointed, pursuant to the existing law providing for the filling of vacancies in such office, and such sheriff shall not thereafter be eligible to either election or reappointment to the office of sheriff: *Provided, however,* that such former sheriff may, within ten days after such lynching occurs, file with the Governor his petition for reinstatement to the office of sheriff, and shall give ten days' notice of the filing of such petition to the prosecuting attorney of the county

in which such lynching occurred, and also to the Attorney General. If the Governor, upon hearing the evidence and argument, if any presented, shall find that such sheriff has done all in his power to protect the life of such prisoner and performed the duties required of him by existing laws respecting the protection of prisoners, then such Governor may reinstate such sheriff in his office and shall issue to him a certificate of reinstatement, the same to be effective on the day of such order of reinstatement, and the decision of such Governor shall be final.

APPROVED May 16. 1905.

#### POLICY PLAYING PROHIBITED.

§ 1. Sale of lottery policies prohibited—penalty.

§ 2. Owner or occupant of room liable—other liabilities—penalty.

§ 3. Evidence.

Approved April 29, 1905.

#### AN ACT for the prevention of policy-playing.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That a person who sells, or offers to sell, what are commonly called "lottery policies," or any writing, paper or document, representing or being a record of any chance, share or interest in numbers sold, drawn or to be drawn, or in what is commonly called "policy," or in the nature of a bet, wager or insurance upon the drawing or drawn numbers of any public or private lottery; or who indorses or uses a book or other document, for the purpose of enabling others to sell or offer to sell, "lottery policies" or other such writings, papers or documents, shall upon conviction, for the first offense be confined in the county jail not more than one year, or be fined not less than two hundred dollars nor more than one thousand dollars, or both; and, upon conviction for the second offense, be imprisoned in the penitentiary not less than one year nor more than two years.

§ 2. A person who keeps, occupies or uses, or permits to be kept, occupied or used, a place, building, room, table, establishment or apparatus for policy playing or for the sale of what are commonly called "lottery policies," or who delivers or receives money or other valuable consideration in playing policy, or in aiding in the playing thereof, or what is commonly called a "lottery policy," or for any writing, paper, or document in the nature of a bet, wager or insurance upon the drawing or drawn numbers of any public or private lottery; or who manages or promotes any "lottery policy" or the game commonly called "policy;" or who shall have in his possession, knowingly, any writing, paper or document, representing or being a record of any chance, share or interest in numbers sold, drawn or to be drawn, or in what is commonly called "policy," or in the nature of a bet, wager or insurance, upon the drawing or drawn numbers, of any public or private lottery; or any paper, print, writing, numbers, device, policy slip, or

article of any kind such as is commonly used in carrying on, promoting or playing the game commonly called "policy;" or who is the owner, agent, superintendent, janitor or caretaker of any place, building or room where policy playing or the sale of what are commonly called "lottery policies" is carried on with his knowledge, or who aids, assists, or abets in any manner, in any of the offenses, acts, or matters herein named, shall, upon conviction, for the first offense be confined in the county jail for not more than one year, or be fined not less than two hundred dollars nor more than one thousand dollars, or both: and, upon conviction for the second offense be imprisoned in the penitentiary not less than one year nor more than two years.

§ 3. The possession by any person other than a public officer, of any writing, paper or document representing or being a record of any chance, share or interest in numbers sold, drawn or to be drawn, or in what is commonly called "policy," or in the nature of a bet, wager or insurance upon the drawing or drawn numbers of any public or private lottery, or any paper, print, writing, numbers or device, policy slip, or article of any kind, such as is commonly used in carrying on, promoting or playing the game commonly called "policy," is presumptive evidence of possession thereof knowingly and in violation of the provisions of this act.

APPROVED April 29, 1905.

#### RAPE—AGE OF CONSENT CHANGED.

§ 1. Amends section 237, division 1 of criminal code. | Approved April 7, 1905.

[§ 237]. Rape defined—Penalty.

AN ACT to amend section two hundred and thirty-seven (237) of division one (1) of an act entitled, "An act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, as amended by an act entitled, "An act to amend section two hundred and thirty-seven (237) of division one (1) of an act entitled, 'An act to revise the law in relation to criminal jurisprudence,' approved March 27, 1874, in force July 1, 1874," amended by act approved June 9, 1887, in force July 1, 1887.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section two hundred and thirty seven (237) of division one (1) of an act entitled, "An act to revise the law in relation to criminal jurisprudence" approved March 27, 1874, as amended by an act entitled, "An act to amend section two hundred and thirty seven of division one (1) of an act entitled, an act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, in force July 1, 1874, as amended by act approved June 9, 1887, in force July 1, 1887, be and the same is amended so as to read as follows:

[§ 237.] Rape is the carnal knowledge of a female, forcibly and against her will. Every male person of the age of seventeen years and upwards who shall have carnal knowledge of any female person under the age of sixteen years and not his wife, either with or without her consent, shall be adjudged to be guilty of the crime of rape: *Provided*, that in case the said parties shall be legally married to each other before conviction, any legal proceedings shall abate: *And, provided*, that every male person of the age of 16 years and upwards who shall have carnal knowledge of a female forcibly and against her will shall be guilty of the crime of rape. Every person convicted of the crime of rape shall be imprisoned in the penitentiary for a term not less than one year and may extend to life.

APPROVED April 7, 1905.

## DIVORCE.

### MARRIAGE OF DIVORCED PERSONS REGULATED.

§ 1. Amends act of 1874 by adding thereto section 1a.

Approved May 13, 1905.

§ 1a. Divorced persons not to marry within a year—in certain cases two years—re-marriage to each other—penalty.

AN ACT to amend an act entitled, "An act to revise the law in relation to divorces," approved March 10, 1874, in force July 1, 1874, by adding thereto section 1a.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled, "An act to revise the law in relation to divorces," approved March 10, 1874, in force July 1, 1874, be amended by adding thereto section 1a, to read as follows:

§ 1a. That in every case in which a divorce has been granted for any of the several causes contained in section one of said act, neither party shall marry again within one year from the time the decree was granted: *Provided*, when the cause for such divorce is adultery, the person decreed guilty of adultery shall not marry for a term of two years from the time the decree was granted: *Provided, however*, that nothing in this section shall prevent the persons divorced from re-marrying each other; and every person marrying contrary to the provisions of this section shall be punished by imprisonment in the penitentiary for not less than one year, nor more than three years, and said marriage shall be held absolutely void.

APPROVED May 13, 1905.



## DRAINAGE.

## ACQUISITION AND OPERATION OF DREDGE BOATS.

§ 1. Drainage commissioners may acquire and operate dredge boats.	§ 2. Emergency. Approved May 16, 1905.
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AN ACT to authorize certain drainage and levee districts to acquire, maintain and operate dredge boats for the construction and preservation of drains, ditches and levees.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever the drainage commissioners of any drainage and levee district, heretofore or hereafter organized under an act entitled, "An act to revise and amend an act and certain sections thereof, entitled, 'An act to provide for the construction, reparation and protection of drains, ditches and levees, across the lands of others, for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts,' approved and in force May 29, 1879, as amended by certain acts herein entitled, to repeal certain laws therein named," approved June 30, 1885, in force July 1, 1885, shall deem it necessary for such district to own, maintain and operate one or more dredge boats for the construction and preservation of its drains, ditches and levees they may, with the approval thereof by the county court in the county in which the district or any part thereof is located, purchase or build and maintain and operate one or more dredge boats for the purposes aforesaid and pay for the same out of any funds of said district arising from any special assessments, heretofore levied, for the construction and maintenance of the system of drains, ditches and levees of such district.

§ 2. WHEREAS, An emergency exists, therefore this act shall take effect and be in force from and after its passage.

APPROVED May 16, 1905.

## COMBINED DRAINAGE DISTRICTS.

Preamble.	§ 76. Combined drainage by voluntary action.
§ 1 Amends section 76, act of 1885.	Approved May 18, 1905.

AN ACT to amend section 76 of an act entitled, "An act to provide for drainage for agricultural and sanitary purposes and to repeal certain acts therein named," approved June 27, 1885, in force July 1, 1885, as amended by act approved May 11, 1901, in force July 1, 1901.

WHEREAS, Prior to the amendment of section 76 of said act by the amendatory act of 1901 there were five (5) different methods for organizing drainage districts under the Farm Drainage Act of this State; and,

WHEREAS. The said amendment of 1901 was an effort to provide an additional method for the organization of drainage districts under the Farm Drainage Act; and,

WHEREAS. A mistake occurs in the title of said amendatory act of 1901 in that it refers to the original act as having been approved June 26, 1885, in force July 1, 1885, when in fact said original act was approved June 27, 1885, in force July 1, 1885; and,

WHEREAS. There is grave doubt as to the effect of said section 76, as amended by the act of 1901, because of said mistake; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 76 of an act entitled "An act to provide for drainage for agricultural and sanitary purposes, and to repeal certain acts therein named," approved June 27, 1885, in force July 1, 1885; as amended by act approved May 11, 1901, in force July 1, 1901, be amended so as to read as follows:

§ 76. Where two or more parties owning adjoining lands which require a system of combined drainage, have by voluntary action constructed ditches which form a continuous line, or line and branches, the several parties shall be liable for their just proportion of such repairs and improvements as may be needed therefor, the amount to be determined as near as may be on the same principle as if these ditches were in an organized district. Whenever such repairs and improvements are not made by voluntary agreement, any one or more [persons] owning parts of such ditch shall be competent to petition for the formation of a drainage district to include the lands interested in maintaining the ditches. The petitioner or petitioners for the formation of such district must show to the satisfaction of the court that his or their land is damaged through the lack of proper repairs or improvements to said ditch or drain. The form of procedure and conditions heretofore prescribed in this act shall be observed as near as practicable; but the ditches shall be taken as a dedication of the right of way, and their construction and joining as the consent of the several parties to be united in a drainage district. These ditches, if open, shall be made tile drains when practicable.

APPROVED May 18, 1905.

## PUMPING PLANTS AUTHORIZED.

§ 1. Pumping plants authorized—approval  
of county court required.

§ 2. Past proceedings legalized.

§ 3. Emergency.

Approved May 13, 1905.

AN ACT *to provide for the erection, maintenance and operation of pumping plants in certain drainage and levee districts and to legalize and validate former proceedings, bond issues, indebtedness and expenditures in regard to, on account of, or with a view to the erection, maintenance and operation of such pumping plants.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever the drainage commissioners of any drainage and levee district heretofore or hereafter organized under an act entitled "An act to revise and amend an act and certain sections thereof," entitled "An act to provide for the construction, reparation and protection of drains, ditches and levees, across the lands of others, for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts," approved and in force May 29, 1899, as amended by certain acts herein entitled, to repeal certain laws therein named, approved June 30, 1885, in force July 1, 1885, shall deem it necessary, for the disposition of the surface water, seepage or rainfall in such district, that one or more pumping plants be erected, maintained and operated, they may, with the approval thereof by the county court of the county in which the district or any part of the district is located, out of the funds raised, or to be raised, by special assessments on the lands of such district, and as a part of the drainage and levee work of the district, erect, maintain and operate one or more such pumping plants in such district.

§ 2. That all proceedings of any county court heretofore had, and all assessments heretofore levied, all bonds heretofore issued, all indebtedness heretofore incurred and all moneys heretofore expended by the commissioners of any drainage and levee district in regard to, on account of, or with a view to the erection, maintenance or operation of any pumping plant or plants, such as is or are provided for by this act, shall be held as valid and as legal as if the same had occurred after the taking effect of this act.

§ 3. WHEREAS, An emergency exists, therefore, this act shall take effect and be in force from and after its passage.

APPROVED May 13, 1905.

## SANITARY DISTRICTS—ELECTION OF TRUSTEES.

§ 1. Amends sections 3 and 4, act of 1889.

§ 3. Election of trustees—cumulative voting prohibited.

§ 4. Powers and duties of board—officers—salaries—veto of ordinances.

Approved May 11, 1905.

AN ACT to amend sections three (3) and four (4) of an act entitled, "An act to create sanitary districts, and to remove obstructions in the Desplaines and Illinois rivers," approved May 29, 1889, in force July 1, 1889.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections three (3) and four (4) of an act entitled, "An act to create sanitary districts and to remove obstructions in the Desplaines and Illinois rivers," approved May 29, 1889, in force July 1, 1889, be and the same is hereby amended to read as follows:

§ 3. In each sanitary district organized under this act, there shall be elected at the November election of 1905, nine trustees, three of which trustees shall hold their office for a term of one year, three for a term of three years and three for a term of five years and until their successors shall be elected and qualified. At every regular county election, occurring after the year 1905, there shall be elected three trustees, who shall hold their offices for six years and until their successors shall be elected and qualified, to succeed those whose term of office shall expire that year. In all elections for trustees each elector may vote for as many candidates as there are trustees to be elected, but no elector may give to such candidates more than one vote, it being the intent and purpose of this act to prohibit cumulative voting in the selection of the board of trustees of the sanitary district. Each elector in such sanitary district may vote for and designate (upon his ballot cast for trustees for said sanitary district) one of the candidates for trustee to be president of said board and the person so designated who shall receive the highest number of such votes shall be declared elected president of such board. The person so elected president of such board at the November election of 1905, shall hold office for a term of five (5) years and until his successor shall be elected and qualified. Any president of such board elected subsequent to the election of November, 1905, shall hold office for six (6) years and until his successor shall be elected and qualified.

Such sanitary district shall, from the time of the first election held by it under this act, be construed in law and equity, a body corporate and politic and by the name and style of the sanitary district of. . . . and by such name and style may sue and be sued, contract and be contracted with, acquire and hold real estate and personal property necessary for corporate purposes, and adopt a common seal and alter the same at pleasure.

§ 4. The trustees elected in pursuance of the foregoing provisions of this act shall constitute a board of trustees for the district by which they are elected, which board of trustees is hereby declared to



be the corporate authorities of such sanitary district, and shall exercise all the powers and manage and control all the affairs and property of such district. Said board of trustees shall have the right to elect a clerk, treasurer, chief engineer and attorney for such municipality, who shall hold their respective offices during the pleasure of the board, who shall give bond as may be required by said board. Said board may prescribe the duties and fix the compensation of all the officers and employés of said sanitary district: *Provided, however*, that the salary of the president of said board of trustees shall in no case exceed the sum of four thousand dollars per annum and the salary of the other members of said board shall not exceed three thousand dollars per annum: *And, provided, further*, that the amount received by any attorney shall not exceed the sum of five thousand dollars (\$5,000) per annum. Said board of trustees shall have full power to pass all necessary ordinances, orders, rules, resolutions and regulations for the proper management and conduct of the business of said board of trustees and of said corporation and for carrying into effect the objects for which such sanitary district is formed. All ordinances, orders, rules, resolutions and regulations passed by said board of trustees shall, before they take effect, be approved by the president of said board of trustees, and if he shall approve thereof, he shall sign the same, and such as he shall not approve he shall return to the board of trustees with his objections thereto in writing at the next regular meeting of said board of trustees occurring after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance; and in case the veto only extends to a part of such ordinance, the residue thereof shall take effect and be in force, but in case the president of such board of trustees shall fail to return any ordinance, order, rule, resolution or regulation with his objections thereto by the time aforesaid, he shall be deemed to have approved the same and the same shall take effect accordingly. Upon the return of any ordinance, order, rule, resolution or regulation by the president, the vote by which the same was passed shall be reconsidered by the board of trustees, and if upon such reconsideration, two-thirds of all the members elect shall agree by yeas and nays to pass the same, it shall go into effect, notwithstanding the president may refuse to approve thereof.

APPROVED May 11, 1905.

#### SANITARY DISTRICTS—REPORTS OF TRUSTEES.

§ 1. Amends section 1, act of 1889.

Approved May 13, 1905.

§ 1. Organization of district—question submitted—trustees report to Governor and to General Assembly.

AN ACT to amend and revise section 1 of an act entitled, "An act to create sanitary districts and to remove obstructions in the Desplaines and Illinois rivers," approved May 29, 1889, in force July 1, 1889.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 1 of an act en-

titled, "An act to create sanitary districts and to remove obstructions in the Desplaines and Illinois rivers," approved May 29, 1889, in force July 1, 1889, be amended and revised so as to read as follows:

§ 1. That whenever any area of contiguous territory within the limits of a single county shall contain two or more incorporated cities, towns or villages, and shall be so situated that the maintenance of a common outlet for the drainage thereof will conduce to the preservation of the public health, the same may be incorporated as a sanitary district under this act, in the manner following: Any 5,000 legal voters resident within the limits of such proposed sanitary district may petition the county judge of the county in which they reside to cause the question to be submitted to the legal voters of such proposed district whether they will organize as a sanitary district under this act. Such petition shall be addressed to the county judge, and shall contain a definite description of the territory intended to be embraced in such district, and the name of such proposed sanitary district: *Provided, however*, that no territory shall be included in any municipal corporation formed hereunder which is not situated within the limits of a city, incorporated town or village, or within three miles thereof, and no territory shall be included within more than one sanitary district under this act. Upon the filing of such petition in the office of the county clerk of the county in which such territory is situated it shall be the duty of the county judge to call to his assistance two judges of the circuit court, and such judges shall constitute a board of commissioners who shall have power and authority to consider the boundaries of any such proposed sanitary district, whether the same shall be described in such petition or otherwise. Notice shall be given by such county judge of the time and place where such commissioners will meet, by a publication inserted in one or more daily papers published in such county, at least twenty days prior to such meeting. At such meeting the county judge shall preside, and all persons in such proposed sanitary district shall have an opportunity to be heard touching the location and boundary of such proposed district and make suggestions regarding the same, and such commissioners, after hearing statements, evidence and suggestions, shall fix and determine the limits and boundaries of such proposed district, and for that purpose and to that extent, may alter and amend such petition. After such determination by said commissioners, or a majority of them, the county judge shall submit to the legal voters of the proposed sanitary district the question of the organization and establishment of the proposed sanitary district, as determined by said commissioners, at an election to be held on the first Tuesday after the first Monday in November thence next ensuing, notice whereof shall be given by said commissioners, at least twenty days prior thereto, by publication in one or more daily papers published within such proposed sanitary district, such notice to specify briefly the purpose of such election, with a description of such proposed district. Each legal voter resident within such proposed sanitary district shall have the right to cast a ballot at such election, with the words thereon, "For Sanitary District." or "Against

"Sanitary District." The ballots so cast shall be received, returned and canvassed in the same manner and by the same officers as is provided by law in case of ballots cast for county officers. The county judge shall cause a statement of the result of such election to be spread upon the records of the county court. If a majority of the votes cast upon the question of the incorporation of the proposed sanitary district shall be in favor of the proposed sanitary district, such proposed district shall thenceforth be deemed an organized sanitary district under this act: *Provided*, that the trustees of all sanitary districts heretofore created under this act and all sanitary districts hereafter to be created under this act, whenever the expenditures of any such district shall have amounted to the sum of one million dollars and such sum shall have been raised by taxation upon the assessable property in any such sanitary district or shall have been raised by the sale of bonds of said district or otherwise, shall on or before September 1, A. D., 1905, report to the Governor of this State, and to the two branches of the Legislature thereof separately all of the items of expenditures theretofore made by them as such trustees, of the moneys so belonging to said sanitary district, together with all items of receipts from all sources and shall furnish with all such reports copies of all contracts entered into by them for the expenditure of moneys so belonging to said district and upon November 30, A. D., 1906, and biennially thereafter the trustees of any such district shall make full, complete, accurate and itemized reports of all receipts and expenditures of such moneys to be hereafter made by them respectively, together with a copy of all contracts for the expenditure of moneys hereafter to be made by such trustees to the Governor and the two branches of the State Legislature of this State separately, and the Governor and either branch of the said Legislature of this State shall have the right to examine the books of said trustees, and all expenditures made by or in any such district, by committee or otherwise, and to call for further reports, accounts, items and copies of all contracts made by or documents held in the possession of any such trustees, and upon the failure, refusal or neglect of any such trustees to accurately and completely furnish any and all such items, accounts documents and reports of contracts as provided in this act, any and all trustees of any such sanitary district shall forfeit their office and by writ of *quo warranto* be ousted and removed therefrom; all such actions to be brought in the county where any such trustees may reside, or wherein the major portion of any such sanitary district may be situated.

APPROVED May 13, 1905.

## ELECTIONS.

## APPOINTMENT OF ELECTION JUDGES.

§ 1. Amends sections 32, 33 and 37, act of 1872.

§ 32. Appointment of election judges in counties not under township organization.

§ 33. Appointments in counties under township organization.

§ 37. Judges of election may appoint clerks of election.

Approved May 18, 1905.

AN ACT to amend sections 32, 33 and 37 of an act entitled, "An act in regard to elections, and to provide for filling vacancies in elective offices," approved April 3, 1872, in force July 1, 1872, as amended by act approved June 3, 1897, in force July 1, 1897, and an act approved June 22, 1885, in force July 1, 1885, respectively.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 32, 33 and 37 of an act entitled, "An act in regard to elections, and to provide for filling vacancies in elective offices," approved April 3, 1872, in force July 1, 1872, as amended by an act approved June 3, 1897, in force July 1, 1897, and an act approved June 22, 1885, in force July 1, 1885, respectively, be and the same are hereby amended so as to read as follows:

§ 32. In counties not under township organization, the county board of commissioners shall at its regular (or at a special) meeting in the month of June or July in each year, appoint in each election precinct or district, as the case may require (where judges have not been elected therein) three capable and discreet electors to be judges of election. No more than two persons of the same political party shall be appointed judges of the same election district or undivided precinct. The appointment shall be made in the following manner: The members of said county board of commissioners who represent the political party having the greatest number of votes on said county board of commissioners, being less than the whole number, shall select (and the county board of commissioners shall appoint such selection when made) two persons, who are legal voters, as judges of election in each election precinct or district in said county which gave in the preceding general election in said election precinct or district the higher number of votes to said political party having the greatest number of votes upon said county board of commissioners, and shall also select one person, who is a legal voter, as judge of election in each of the other election precincts or districts in said county, which at the preceding general election gave in said election precinct or district, the second higher number of votes to said political party having the greatest number of votes on said county board of commissioners. The member of the county board of commissioners who represents the political party having the next highest number of votes upon said county board of commissioners shall have the power and authority to



select (and the county board of commissioners shall appoint such selection when made) two persons who are legal voters as judges of election in each election precinct or district, which at the preceding general election gave in said election precinct or district, the higher number of votes to said political party having the next highest number of votes upon said county board of commissioners and said member of the county board of commissioners representing said political party having the next highest number of votes upon said county board of commissioners shall also select, and the county board of commissioners shall appoint the said selection, when made, one person, who is a legal voter, as judge of election in each of the other election precincts or districts in said county. In case the three members of the county board of commissioners represent three different political parties, then in that case, the member of the county board of commissioners representing the political party casting the highest number of votes at the preceding general election in any election precinct or district shall select the two judges of election to serve in such election precinct or district, and the member of the county board of commissioners who may represent the political party casting the next highest number of votes at the preceding general election in any election precinct or district, shall select the one judge of election to serve in such election precinct or district: *Provided*, that if any county board of commissioners shall be composed of members who belong to any one political party entirely, then in that case the chairman of the county central committee of the political party casting the highest or next highest number of votes at the last preceding general election in each election precinct or district shall select the two judges of election, or the one judge of election, as the case may be, and the county board of commissioners shall appoint the said judge or judges of election so selected by the chairman of the above mentioned county central committee. Said election judges shall hold their office for one year from their appointment, and until their successors are duly appointed in the manner heretofore provided. The said county board of commissioners shall fill all vacancies in said office of judge of election at any time in the manner heretofore provided.

§ 33. In counties under township organization the county board shall, at its regular (or at a special) meeting in the month of June of each year, except when such judges and clerks are appointed by election commissioners, appoint in each election precinct or district in the county, three capable and discreet electors to be judges of election, and who shall possess the qualifications required by this act for such judges. No more than two persons of the same political party shall be appointed judges in the same election district or undivided precinct. The town supervisor shall be appointed as one of such judges of election in the district or precinct in which he resides. The appointment of the remaining judges of election in the various election precincts and districts shall be made in the following manner:

The members of the county board of supervisors belonging to the political party having the greatest number of votes upon said county board of supervisors shall select (and the county board shall appoint the selection so made) the majority of the election judges in each election district or precinct in each township in which said political party cast the highest number of votes at the preceding general election for Governor, and shall also select (and the county board shall appoint the selection so made) the minority judge of election in each election district or precinct in each township in which said political party cast the second highest number of votes for Governor at the preceding general election. The members of the county board of supervisors belonging to the political party having the second greatest number of votes upon said county board of supervisors shall select (and the county board shall appoint the selection so made) the majority of the election judges in each election district or precinct in each township in which said political party cast the highest number of votes at the preceding general election for Governor, and shall also select (and the county board shall appoint the selection so made) the minority election judge in the election district or precinct in each township in which said political party cast the second highest number of votes at the preceding general election for Governor: *Provided*, that if the county board of supervisors shall be composed of members who belong to any one political party entirely, then, in that case, the chairman of the county central committee of the other political party casting the next highest number of votes in said county at the preceding general election is hereby empowered and authorized to make the selection of the minority judge of election, who shall serve in each of the election districts or precincts in said county, and the members of the county board of supervisors are hereby directed to make the appointment of said minority judges of election for each election district or precinct as selected by the chairman of the above mentioned county central committee: *And, provided, further*, that where the county board shall be equally divided and two political parties shall be represented by an equal number of members, the selection and appointment of such judges of election shall be made as in the case where there is a majority of members on the county board belonging to one political party. The members representing the political party casting the highest number of votes in a township at the preceding election for Governor shall select the majority judges of election in said township, and the members representing the political party that cast the second highest number of votes at the preceding election for Governor in said township shall select the minority judges of election in said township, and the county board shall appoint the selection so made: *And, provided, further*, that where a supervisor shall be elected in a township, said supervisor representing a political party that neither has the highest nor second highest number of votes for members on the said county board, the said supervisor shall be authorized and empowered to select a majority of the judges of election in the precincts or election districts in said township, such persons to represent

the same political faith or belief as said supervisor, and the county board shall appoint the selection so made. The members of the county board representing the political party casting the second highest number of votes in said township at the preceding general election for Governor shall select the minority judges of election in said township and the county board shall appoint the selection so made. Such judges of elections shall hold their office for one year from their appointment and until their successors are duly appointed in the manner hereinbefore provided. The said county board of supervisors shall fill all vacancies in said office of judges of elections at any time, in the manner hereinbefore provided.

§ 37. Each judge of election shall choose a person having the qualifications of a judge of election, to act as clerk of election, who may continue to act as such during the pleasure of the judge making such appointment.

APPROVED May 18, 1905.

#### CANVASS OF BALLOTS REGULATED.

§ 1. "Straight tickets"—how tallied—"split tickets"—"scratched tickets"—duties of election judges and clerks.

§ 2. Repeal—intent of act.  
Approved May 13, 1905.

*AN ACT to dispense with individual tally marks in canvassing the so-called "straight tickets" at all elections hereafter held in this State; and concerning the duties of the clerks in the canvass of votes at such election.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That hereafter at all general and special elections and primary elections held in this State, where the law shall provide that the clerks shall tally the votes received by candidates at such election, it shall not be necessary for the clerks of such election to mark upon the tally sheets kept by them, separate marks or tallies for each vote received by the candidates upon the ballots containing the same names, commonly known and hereafter in this act designated as "straight tickets." But when the judges shall have counted and announced to the clerks, as near as may be as now or hereafter provided by law, the number of votes received by each set of candidates upon such "straight tickets," the clerks shall set such number of votes down, in figures, opposite the names of the respective candidates, in a column provided for that purpose upon the tally sheets: which column shall immediately adjoin upon the left the space reserved for the tallies, and which shall be of convenient width and shall be headed, "Number of votes received upon 'straight tickets.'" The judges shall then proceed to count and announce the votes received by each candidate upon all ballots other than "straight tickets," including all ballots known as "split tickets," and all ballots known as "scratched tickets," and the clerks shall proceed to tally the same upon the tally sheets, and to compare and announce the result

thereof; which counting, announcing and tallying shall be conducted as now or hereafter provided by law. The clerks shall set down, in figures, the number of votes received by each candidate on ballots other than "straight tickets," as so ascertained and announced, in a column provided for that purpose upon the tally sheets, immediately adjoining on the right the space reserved for the tallies, which column shall be of convenient width, and shall be headed, "Number of votes received upon ballots other than 'straight tickets.'" The clerks shall then proceed to add together the number of votes received by each candidate, as shown in the column containing the straight votes and the number as shown in the column containing the votes other than straight votes; which result will show the total number of votes received by each candidate; and after comparing their results and finding that the same agree and are correct, they shall set down the same, in figures, in a column provided upon the tally sheets for that purpose, on the extreme right hand side thereof, which shall be of convenient width and shall be headed, "Total number of votes." Whereupon one of the clerks shall announce in a loud voice to the judges the total number of voted [votes] received by and counted for each candidate.

§ 2. All laws and parts of laws in conflict herewith are hereby repealed. Nothing in this act contained shall be construed to authorize or permit the canvassing, counting or tallying ballots with any less degree of strictness than now required by law; the intention of this act being to dispense with the individual tally marks only so far as the so-called "straight tickets" are concerned; and all other operations of tallying, counting and canvassing and announcing the votes shall proceed as near as may be in accordance with the laws now or hereinafter provided therefor.

APPROVED May 13, 1905.

#### CUMULATIVE VOTING FOR REPRESENTATIVE.

1. Amends section 17, act of 1891.

Approved May 13, 1903.

§ 17. Printing, marking and counting  
ballots regulated.

AN ACT to amend section 17 of an act entitled, "An act to provide for the printing and distribution of ballots at public expense and for the nomination of candidates for public offices, to regulate the manner of holding elections and to enforce the secrecy of the ballot," approved June 22, 1891, in force July 1, 1891.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 17 of an act entitled, "An act to provide for the printing and distribution of ballots at public expense and for the nomination of candidates for public offices, to regulate the manner of holding elections and to enforce the secrecy of the ballot," approved June 22, 1891, in force July 1, 1891, be, and the same is hereby amended to read as follows:



§ 17. No number of votes shall be printed on any ballot after the name of any candidate for representative in the General Assembly. In canvassing the vote for representatives in the General Assembly, the ballots shall be counted in the manner following:

First. Where the names of three candidates for representatives in the General Assembly are printed under one party appellation or title and a cross, thus X, is placed at the appropriate place preceding such party appellation or title and the ballot is not otherwise marked for representatives in the General Assembly, it shall be counted one vote for each of said candidates.

Second. Where the names of two candidates for representatives in the General Assembly are printed under one party appellation or title and a cross, thus X, is placed at the appropriate place preceding such party appellation or title, and the ballot is not otherwise marked for representatives in the General Assembly, it shall be counted one and one-half votes for each of said candidates.

Third. Where the name of but one candidate for representative in the General Assembly is printed under one party appellation or title and a cross, thus X, is placed at the appropriate place preceding such party appellation or title and the ballot is not otherwise marked for representatives in the General Assembly, it shall be counted three votes for said candidate.

Fourth. Whether a cross, thus X, is placed at the appropriate place preceding any party appellation or title, or not, whenever a cross is placed in the square preceding the name of any one candidate for representative in the General Assembly and the ballot is not otherwise marked, the ballot shall be counted three votes for said candidate; where a cross is placed in the squares preceding the names of any two candidates for representatives in the General Assembly and the ballot is not otherwise marked, the ballot shall be counted one and one-half votes for each of said two candidates; where a cross is placed in the squares preceding the names of any three candidates for representatives in the General Assembly and the ballot is not otherwise marked, the ballot shall be counted one vote for each of said three candidates.

Fifth. Where the voter has indicated his intention by lawful marking of his ballot to divide his votes among the candidates in any manner other than as specified in the foregoing sections, it shall be counted for such candidates according to the intention of the voter as disclosed by the marking of the ballot.

Sixth. If the ballot has been so marked as to indicate an intention to cast more than three votes for representatives in the General Assembly, such ballot shall not be counted for any of such candidates.

§ 2. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

APPROVED May 13, 1905.

## FILING NOMINATION PAPERS.

§ 1. Amends section 7, act of 1891.

Approved May 16, 1905.

§ 7. Certificates of nomination—how  
and when filed.

AN ACT to amend section 7 of an act entitled, "*An act to provide for the printing and distribution of ballots at public expense, and for the nomination of candidates for public offices, to regulate the manner of holding elections, and to enforce the secrecy of the ballot,*" approved June 22, 1891, in force July 1, 1891.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 7 of an act entitled "*An act to provide for the printing and distribution of ballots at public expense and for the nomination of candidates for public offices, to regulate the manner of holding elections and to enforce the secrecy of the ballot,*" approved June 22, 1891, in force July 1, 1891, be amended so as to read as follows:

§ 7. Certificates of nomination and nomination papers for the nomination of candidates for offices to be filled by the electors of the entire State, or any division or district greater than a county, shall be filed with the Secretary of State at least thirty days previous to the day of election for which the candidates are nominated. All other certificates for the nomination of candidates shall be filed with the county clerk of the respective counties at least thirty days previous to the day of such election: *Provided*, that certificates of nomination and nomination papers for the nomination of candidates for the offices in cities, villages and incorporated towns, and for town offices in counties under township organization shall be filed with the clerks of the towns, cities, villages and incorporated towns at least fifteen days previous to the day of such election: *Provided*, that in cities having a population of 500,000 or more that certificates of nomination and nomination papers for the nomination of candidates for the offices in such cities shall be filed with the city clerk of such cities at least twenty-five days previous to the day of such election.

APPROVED May 16, 1905.

## NOMINATION OF CANDIDATES BY PETITION.

§ 1. Adds section 5½ to act of 1891.

Filed May 18, 1905.

§ 5½. Nominations by petition—form  
of petition—certificate to each  
sheet—oath—other provisions.

AN ACT to amend an act entitled, "*An act to provide for the printing and distribution of ballots at public expense, and for the nomination of candidates for public offices, to regulate the manner of holding elections, and to enforce the secrecy of the ballot,*" approved June 22, 1891, in force July 1, 1891, and amendments thereto, by adding thereto a section to be known as section 5½.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled, "*An act*

to provide for the printing and distribution of ballots at public expense and for the nomination of candidates for public offices, to regulate the manner of holding elections, and to enforce the secrecy of the ballot," approved June 22, 1891, in force July 1, 1891, and the amendments thereto, be and the same is hereby amended by adding thereto a new section to be known as section 5½, which additional section shall read as follows:

§ 5½. All petitions for nomination of candidates for public office in this State shall, in addition to other requirements provided by law, be as follows: Such petition shall consist of sheets of uniform size and each sheet shall contain, above the space for signatures, an appropriate heading, giving the information as to name of candidate or candidates in whose behalf such petition is signed; the office, the party or political principle, place of residence and such other information or wording as required to make same valid, and the heading of each sheet shall be the same. Such petition shall be signed by the qualified voters in their own proper persons only, and opposite the signature of each signer his residence address shall be written (and if a resident of a city having a population of over 10,000 by the then last preceding Federal census, the street and number of such residence shall be given). No signature shall be valid or be counted in considering the validity or sufficiency of such petition unless the requirements of this section are complied with. At the bottom of each sheet of such petition shall be added a statement, signed by an adult resident of the political division for which the candidate is nominated, stating his residence address (and if a resident of a city having a population of over 10,000 by the then last preceding Federal census, also stating the street and number of such residence), certifying that the signatures on that sheet of said petition were signed in his presence and are genuine; and that to the best of his knowledge and belief the persons so signing were at the time of signing said petition qualified voters (and in cities, villages and incorporated towns in which voters are or may be required to be registered, that they were also at the time of signing said petition duly registered voters) of the political division for which the candidate is nominated, and that their respective residences are correctly stated therein. Such statement shall be sworn to before some officer of the county in which the person making such statement resides, authorized to administer oaths therein. Such sheets, before being filed, shall be neatly fastened together in book form, by placing the sheets in a pile and fastening them together at one edge in a secure and suitable manner, and the sheets shall then be numbered consecutively. The sheets shall not be fastened by pasting them together end to end, so as to form a continuous strip or roll. Said petition, when filed, shall not be withdrawn or added to, and no signature shall be revoked except by revocation filed in writing with the clerk with whom the petition is required to be filed, and before the filing of such petition. Whoever, in making the sworn statement above prescribed, shall knowingly, wilfully and corruptly swear false-

ly, shall be deemed guilty of perjury, and on conviction thereof shall be punished accordingly. Whoever forges any name of a signer upon any petition shall be deemed guilty of a forgery, and on conviction thereof, shall be punished accordingly. The word "petition" or "petition for nomination," as used herein, shall mean what is sometimes known as nomination papers, in distinction to what is known as a certificate of nomination. The word[s] "political division for which the candidate is nominated," or its equivalent, shall mean the largest political division in which all qualified voters may vote upon such candidate, as the State in the case of State officers; the town in the case of town offices, *et cetera*: *Provided, further*, that any person who has already voted at a primary election held to nominate a candidate or candidates for any office or offices, to be voted upon at any certain election, shall not be qualified to sign a petition of nomination for a candidate or candidates for the same office or offices, to be voted upon at the same certain election.

This bill having remained with the Governor for a period of ten days (Sundays excepted) after the adjournment of the General Assembly, and he not having filed it with his objections thereto in the office of the Secretary of State, it becomes a law in like manner as if he had signed it.

Witness my hand this 18th day of May, A. D., 1905.

JAMES A. ROSE,  
*Secretary of State.*

#### OPENING AND CLOSING OF POLLS IN CERTAIN MUNICIPALITIES.

§ 1. Amends section 34, act of 1891.

§ 34. Certain municipalities may fix  
by ordinance time of opening  
and closing polls.

§ 2. Emergency.

Approved March 15, 1905.

*AN ACT to amend section thirty-four (34) of an act entitled, "An act to provide for the printing and distribution of ballots at public expense, and for the nomination of candidates for public offices, to regulate the manner of holding elections, and to enforce the secrecy of the ballot," approved June 22, 1891, in force July 1, 1891.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section thirty-four (34) of an act entitled, "An act to provide for the printing and distribution of ballots at public expense, and for the nomination of candidates for public offices, to regulate the manner of holding elections, and to enforce the secrecy of the ballot," approved June 22, 1891, in force July 1, 1891, be and the same is hereby amended so as to read as follows:

§ 34. At all elections to which this act applies, except at elections held in cities, villages and incorporated towns which have heretofore adopted or may hereafter adopt the provisions of an act entitled, "An act regulating the holding of elections and declaring the results thereof in cities, villages and incorporated towns," approved June 19, 1885, the polls shall be opened at seven o'clock in the morning and shall be closed at five o'clock in the evening: *Provided, however*, that cities, villages and towns in counties of the third class may pro-



vide by city or village ordinance, or by resolution adopted at the annual town meeting, that polls shall be opened at six o'clock in the morning and be closed at four o'clock in the afternoon, and after the passage of such ordinance or resolution and the filing of a certified copy thereof with the county clerk of the county in which such city, village or town is located, the polls shall open at six o'clock in the morning and close at four o'clock in the afternoon of the same day at all elections held in such city, village or town adopting such ordinance or resolution and filing the same as herein provided.

§ 2. WHEREAS. An emergency exists, therefore this act shall take effect and be in force from and after the date of its passage and approval.

APPROVED March 15, 1905.

#### PRIMARY ELECTIONS REGULATED.

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| § 1. What candidates shall be nominated at primaries — judicial candidates excepted. | § 24. Names on ballot.                                    |
| § 2. Nominations by petitions authorized.  | § 25. Method of voting.                                   |
| § 3. Political party defined.  | § 26. Form of ballot.                                     |
| § 4. Primary precinct defined.   | § 27. Form of ballot continued.                           |
| § 5. Primary elections—when and where held.  | § 28. Opening of polls.                                   |
| § 6. County central committee—action before each primary election.                   | § 29. Ballot boxes shall be opened.                       |
| § 7. County conventions—when held.   | § 30. Who may vote.                                       |
| § 8. Notice of election.   | § 31. Manner of voting.                                   |
| § 9. Judges of election.   | § 32. Affidavit of challenged voter—affidavit of witness. |
| § 10. Judges to fill vacancies.  | § 33. Marking the ballot.                                 |
| § 11. Oath of judges.  | § 34. Depositing the ballot.                              |
| § 12. Administration of oath to judges.  | § 35. Assistance to voter.                                |
| § 13. Duties of judges.  | § 36. No adjournment permissible.                         |
| § 14. Payment of judges.   | § 37. Canvassing of vote.                                 |
| § 15. Challengers.   | § 38. How canvass shall be conducted.                     |
| § 16. Section 21, act of 1891 applies.   | § 39. Tally sheets—how certified — registry poll books.   |
| § 17. Ballot boxes.  | § 40. Stringing of ballots.                               |
| § 18. Election supplies.   | § 41. Completion of canvass.                              |
| § 19. Registry poll book—form prescribed.  | § 42. Certificates of judges.                             |
| § 20. Tally sheet—form prescribed.   | § 43. Precinct committeemen—term of office.               |
| § 21. Declaration of candidate—form prescribed.                                      | § 44. Judges shall issue credentials.                     |
| § 22. Candidate for Governor—form of declaration—United States Senator.              | § 45. Form of credentials.                                |
| § 23. Congressional and legislative candidates—form of declaration.                  | § 46. County conventions—organization of.                 |
|  | § 47. County convention—proceedings regulated.            |
|  | § 48. Primary ballots—how disposed of.                    |

- § 49. Tabulation of returns.
- § 50. Primary election contest regulated.
- § 51. State conventions, when held—senatorial conventions, when held—congressional conventions, when held.
- § 52. Candidates must comply with provisions of act—vacancies on ticket, how filled.
- § 53. Delegates present shall cast full vote.
- § 54. Challenging vote in convention.
- § 55. Delegates to State convention, how elected.
- § 56. Nomination of Governor.
- § 57. Nomination of congressional candidates.
- § 58. Nomination of legislative candidates.
- § 59. Release from instructions.
- § 60. Sale of liquor, penalties.
- § 61. Special elections.
- § 62. Vacancies on ticket.
- § 63. No voting by proxy.
- § 64. Duty of grand jury.
- APPLICABLE IN COOK COUNTY.
- § 65. Following sections apply to Cook county only.
- § 66. Different conventions defined—where held.
- § 67. Primary elections, when held.
- § 68. Who may hold—call for primary.
- § 69. Signing of call—filing.
- § 70. Notice of election.
- § 71. Election precincts, how constituted.
- § 72. Appointment of judges and clerks—oath.
- § 73. General election laws apply.
- § 74. Expense of primaries—how defrayed.
- § 75. Pay of judges and clerks.
- § 76. Who may vote.
- § 77. Qualification of delegates.
- § 78. Nomination of Governor—form of declaration—United States senator.
- § 79. Congressional and legislative candidates.
- § 80. Compliance with act required.
- § 81. Section 21, act of 1891 applies.
- § 82. Marking the ballot.
- § 83. Nomination of Governor.
- § 84. Nomination of congressional, senatorial and municipal candidates.
- § 85. Manner of voting.
- § 86. Opening and closing of polls.
- § 87. Exhibition of ballot box.
- § 88. Form of poll book.
- § 89. Duties of judges and clerks.
- § 90. Challengers.
- § 91. Policemen at polls.
- § 92. Further powers of judges.
- § 93. Canvassing the vote.
- § 94. No adjournment permissible—declaration of result.
- § 95. Certificates of judges—when convention shall be held.
- § 96. Special elections.
- § 97. Penalties.
- § 98. Refusal to canvass vote.
- § 99. Making false canvass or false return.
- § 100. Refusal to sign certificate.
- § 101. Absence of judge or clerk from polls.
- § 102. Wrongful exclusion of vote.
- § 103. Certain acts declared felonies.
- § 104. Other violations of act.
- § 105. Other violations declared felonies.
- § 106. Other violations declared misdemeanors.
- § 107. Other misdemeanors.
- § 108. Other misdemeanors.
- § 109. Other misdemeanors.
- § 110. Other misdemeanors.
- § 111. Other misdemeanors.
- § 112. Other misdemeanors.
- § 113. Other misdemeanors.
- § 114. Certain violations declared felonies.
- § 115. Violations not enumerated in act.
- § 116. Penalty for misdemeanor—penalty for felonies.
- § 117. Householder defined.
- § 118. Prosecutions under this act.
- § 119. Irregularities in mode of call, etc.—when act becomes effective.
- § 120. Repeal.

Approved May 18.

AN ACT to provide for the holding and regulation of primary elections.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That hereafter the nomination for candidates for Governor, Representatives in Congress, Members of the General Assembly, all county officers and all officers of any city, village or incorporated town organized under any general or special act of this State, by all political parties as defined in this act shall be made by means of a primary election under the provisions hereof. This act shall not apply to cities, villages or incorporated towns having a population of less than 1,000, as ascertained by the last preceding Federal census: *Provided, further,* this act shall not apply to the nominations of candidates for judges of the Supreme and circuit courts, to county commissioners in counties not under township organization.

§ 2. Nothing in this act contained shall be construed to prevent nomination of candidates for any office or offices by petition, by any party as herein [therein] defined, pursuant to the provisions of sections 4, 5 and 6 of an act entitled "An act to provide for the printing and distribution of ballots at public expense, and for the nomination for candidates for public office, to regulate the manner of holding elections, and to enforce the secrecy of the ballot," approved June 22, 1891, in force July 1, 1891: *Provided,* that the petition for such nomination shall be filed with the proper officers on or before 12 o'clock, noon, of the day previous to the day fixed for the primary election under the provisions of this act.

§ 3. A political party under the provisions of this act shall be held to mean a party which, at the last preceding presidential election, cast for its candidates for electors at least ten per cent of the total votes cast at said election. No political party which, at the last preceding presidential election, cast for its candidates' presidential electors less than ten per cent of the total vote of the State shall be allowed to place the names of its candidates, or any of them, upon any primary ballot.

§ 4. Each election precinct now established, or which may hereafter be established, for the purpose of a general election, shall constitute a primary district under this act: *Provided,* that where an election precinct is or hereafter may be divided into election districts, each election district shall constitute a primary district under this act.

§ 5. A primary election, under this act, shall be held in each primary district, at the regularly established place for holding general elections, on the last Saturday, in April, A. D. 1906, and on the last Saturday in April every two years thereafter, except that the primaries for cities, villages and incorporated towns shall be held on the first Saturday of March in the years in which their officers are to be elected. The polls of said primary election shall be open from 12 m. o'clock to 7 p. m. o'clock.

§ 6. At least thirty days before a primary election, the county central committee of each political party shall hold a meeting, a notice

of which shall be sent to each member of said committee at least one week prior to the date of said meeting. And at said meeting the said county central committee shall first determine whether or not the several county officers shall be nominated at the primary election, or by the delegates chosen at such primary to the county convention, but in case the names of all candidates for county offices shall be printed in a vertical column on the primary ballot and the candidate who shall receive the highest number of votes shall have the vote of all the delegates from the primary district as herinafter provided, and if the said committee shall determine that said officers shall be nominated by primary ballot at such primary, they shall next determine whether said officers shall be nominated by a majority or plurality vote at such primary, and said committee shall also file in the county clerk's office of the respective county, a call for the county convention of its party. Said call shall state the time and place of holding the county convention, the offices for which candidates will be nominated at said primary; the total number of delegates which shall compose the convention, and the number of delegates to which each primary district will be entitled in the convention. And said call, if the county candidates are to be nominated at such primary, shall state whether the nominations for said county officers shall be made by a majority or plurality vote. The decision of said committee on the question of making the nominations at the primary election and whether by a majority or plurality vote shall be ascertained by a yea and nay roll call of the committee, which roll call shall be certified to by the chairman and secretary of the committee to the county clerk and filed with the call for such convention. No committeeman shall be permitted to name a proxy or to vote thereby, but every such committeeman, if unable to be personally present, shall notify the committee in writing how his vote shall be cast on the question of nominating by a majority or plurality vote at said primary; the chairman of the county committee shall publicly read and announce such vote of such absent committeeman and the same shall be recorded on roll call in like manner as those who are present, and said call shall be signed by the chairman and attested by the secretary of the county central committee. In case there shall be in any county of the State more than one county central committee claiming to be the regular committee, then, in that case, the county central committee that was selected by the nominating convention of 1904 and whose candidates were placed on the official ballot shall be recognized as the county central committee to make this call: *Provided*, that each primary district shall be entitled to at least one delegate to each county convention.

§ 7. All county conventions shall be held on the Thursday next following a primary election as herein provided.

§ 8. At least fifteen days before each primary election, the county clerk of each county, or the clerk of any city, village or incorporated town, as the case may be, shall prepare a printed or partly printed and partly written notice of such primary election for each primary district in his county, village, or incorporated town embraced in this



act, which notice shall state the time and place for holding the primary election, the hours during which the polls will be open, the offices for which candidates will be voted for at such primary election, the political parties entitled to participate therein, and the number of delegates which the primary district is entitled to in the county convention of each political party, and shall publish such notice in at least one newspaper (if there be one published in the territory where such primary election is held), and shall also mail two copies of said notice to each primary election judge. And it shall be the duty of the several primary election judges to post said notices in public and conspicuous places in their respective primary districts at least ten days before the primary election in all counties, cities, villages or incorporated towns, as herein provided. The clerk thereof shall prepare such primary election call in accordance with the requirements of this section.

§ 9. The judges of general elections in each election precinct and where an election precinct is divided into election districts, the judges of general elections in each election district, shall be and are hereby constituted judges of primary elections in their respective primary districts. The judges of the county court of the several counties to which this act shall apply are hereby given power either in term time or vacation to hear and determine any complaints which may be made by the qualified voters of any county against any judge or judges of elections for violation of their duties imposed upon them and said judges are hereby vested with a general supervision and power over all primary election officers upon whom duties are imposed in order that the purposes of this act may be fully executed.

§ 10. If, at the time for the opening of a primary election, one of the primary judges be absent or refuses to act, the judges present shall appoint some qualified elector of the primary district to act in his place. If two of the primary judges be absent or refuse to act, the judge present shall fill the vacancies in the same manner as herein provided. If all three primary judges be absent or refuse to act, the primary electors present who reside in the primary district, shall select three of their number, not more than two of whom in any case shall be of the same political party, to act as primary judges. The judges so selected and appointed shall take the same oath, have the same powers, perform the same duties, and be subject to the same penalties as regularly constituted primary election judges.

§ 11. Previous to any votes being received the primary election judges shall severally subscribe and take an oath or affirmation in the following form, to-wit:

"I do solemnly swear (or affirm, as the case may be,) that I will support the constitution of the United States, and the constitution of the State of Illinois, and will faithfully and honestly discharge the duties of primary election judge according to the best of my ability, and that I have resided in this primary district for one year next preceding the primary election and am entitled to vote at this primary election."

All persons subscribing the oath as aforesaid, and all persons actually serving as primary election judges at any primary election, whether sworn in or not, shall be deemed to be and are hereby declared to be officers of the county court of their respective counties; and such persons shall be liable to punishment by such court in a proceeding for contempt for any misbehavior as such primary election judge, to be tried in open court on oral testimony, in a summary manner, without pleading; but such trial or punishment for contempt of court shall not be any bar to any criminal proceeding against such primary election judges for any violation of this act.

§ 12. In case there shall be no justice of the peace or notary public present at the opening of a primary election, or in case such justice of the peace or notary public shall be appointed one of the primary election judges, it shall be lawful for the primary election judges to administer the oath or affirmation to each other.

§ 13. The primary election judges except as otherwise provided in this act, shall perform the same duties, have the same powers, and be subject to the same penalties as judges and clerks of general elections, under the general election laws of this State.

§ 14. The primary election judges shall receive the same pay, and shall be paid by the same authorities and in the same manner as judges under general election laws of this State: *Provided*, all such election officers shall receive but one per diem each for their services as primary election officers.

§ 15. The judges of election shall permit each different ticket of delegates to be represented by a challenger, chosen by a majority of those named for delegates on any particular ticket. Said challengers shall be protected in the discharge of their duties by the judges of election and peace officers. Said challengers shall be permitted to remain within the polling place in such position as will enable them to see each person as he offers his vote and said challengers may remain within the polling place throughout the canvass of the vote and until the returns are signed. The challengers shall be permitted to remain so near that they can see the judges and clerks are faithfully performing their duties. All challengers shall be qualified primary electors in their respective districts and shall have the same powers as challengers at general elections.

§ 16. Section 21 of an "Act to provide for the printing and distribution of ballots at public expense and for the nomination of candidates for public offices, to regulate the manner of holding elections and to enforce the secrecy of the ballot," approved June 22, 1891, in force July 1, 1891, as amended by an act approved June 19, 1893, in force July 1, 1893, is hereby made applicable to primary elections held under the provisions of this act.

§ 17. Primary election ballot boxes shall be the same as those furnished and used for the general election purposes under the general election laws of this State.



"Tally sheets for.....(name of political party) for the.... primary district, in the.....of....., county of..... State of Illinois, for a primary election held on the.....day of .....A. D. 19..."

The names of the candidates shall be placed on the tally sheets of each political party by the primary clerks in the order in which they appear on the primary ballot. Sufficient blank spaces shall be left in said tally sheets for all candidates whether for primary committeemen or any offices.

§ 21. Any member of a political party desiring or intending to become a candidate for the nomination for a county office before the county convention of his party or for the nomination for any office in any city, village or incorporated town primary election, shall, not less than twenty days before the primary election next preceding said county convention, or the time now fixed by law for holding any municipal primary election, file in the county clerk's office of his county, or the office of the clerk of the city, village or incorporated town, a statement of his intention substantially in the following form:

"I, ..... of ....., in the County of ..... and State of Illinois, certify that I am a member of and affiliate with the..... party, and I hereby declare my intention of becoming a.....(describe the office) candidate for the nomination for ..... before the next ..... county convention of.....County, and I hereby request that my name be placed upon the official primary ballot of said .....party.

....."

Each candidate for each county office, or any city, village or incorporated town office, provided for in this act of the respective parties shall also file a petition in the office of the county clerk or of the clerk of the city, village or incorporated town, containing at least five per cent of the lawful voters of the party in the district or territory in which he desires to be a candidate, to be based upon the last preceding presidential election.

§ 22. Any candidate for the nomination for Governor shall have his name printed on the primary ballot of his political party, in each county by filing in the office of the Secretary of State not less than thirty days before the primary election a written request substantially as follows:

"I,..... of the county of ....., in the State of Illinois, certify that I am a member of and affiliate with the ..... party; that I am a candidate for the nomination for Governor before the next ..... State convention of the State of Illinois and I hereby request that my name be placed upon the primary ballot of the ..... party in each county for that office.

....."



Any candidate for the nomination for United States Senator shall have his name printed on the primary ballot of his political party in each county by filing in the office of Secretary of State not less than thirty (30) days before the primary election a written request substantially in form as the foregoing request provided for by candidates for Governor. The vote upon such candidates for United States Senator shall be had for the sole purpose of ascertaining the sentiment of the voters in the respective parties. Each candidate for Governor and for United States Senator shall further file with the Secretary of State a petition signed by not fewer than 5,000 legal voters, members of the party in which he is a candidate for nomination. Not less than 25 days before the primary election the Secretary of State shall certify to the county clerk of each county the names of all candidates for nomination for Governor and United States Senator, together with their political affiliations, as specified in the written requests on file in his office. Each candidate for Governor and for United States Senator of the respective parties shall pay to the Secretary of State a filing fee of one hundred (100) dollars.

§ 23. Any candidate for the nomination of Representative in Congress or member of the General Assembly, shall have his name printed on the primary ballot of his party, in each county in his congressional or senatorial district, by filing in the county clerk's office of the county where such candidate resides and filing copies thereof in the other counties in said district not less than twenty (20) days before the primary election a written request substantially in the following form:

"I, ....., of the county of....., in the State of Illinois, certify that I am a member of and affiliate with the ..... party; that I shall be a candidate for the nomination for ..... (describe office) before the next ..... convention of the ..... district of Illinois, and I hereby request that my name be placed upon the official primary ballot of the ..... party, in ..... county.  
....."

The candidates mentioned in this section shall pay the following fees: Each congressional candidate, \$100; each candidate for senator, \$50; each candidate for member of the House of Representatives, \$25; and fees shall be equally divided among the respective counties of the district; each candidate shall further file in the office of the Secretary of State a petition signed by at least five per cent of the voters in said district of his party cast at the last preceding presidential election for electors.

§ 24. No candidate for the nomination for any office shall have his name printed on any primary ballot except in the manner provided for in this act.

§ 25. The method of voting at a primary election shall be by ballot; which ballot shall conform to the requirements hereinafter made. The county clerk or the clerk in any city, village or incorporated town shall furnish paper at cost to any person or persons who may desire to use the same for primary election ballots at his own expense.

§ 26. The primary election ballot of each political party shall be separately printed upon paper of uniform quality, texture and size and in black ink, but no two party primary ballots shall be printed upon paper of the same color or tint. The county clerk or the clerk of any city, village or incorporated town shall publicly announce the color of the primary ballots of the respective parties at least fifteen (15) days before a primary election.

§ 27. The primary election ballot of each political party for each primary election district shall be arranged and printed substantially in the manner following:

1. At the top of the ballot shall be printed in large capital letters words designating the ballot. If a Republican ballot, the designating words shall be "Republican Primary Ballot." If a Democratic ballot, the designating words shall be "Democratic Primary Ballot," and in like manner of each political party, the number of primary district, location of polling place.

2. Beginning not less than one inch below the designating words, the name of each office to be filled shall be printed in capital letters in the following order, to-wit: United States Senator, Governor, congressional officers, senatorial officers, county officers. In city, village or incorporated towns the primary ticket shall have first printed one inch below the designating words the name of the office of mayor or president of the board of trustees, as the case may be, or other executive officer and following with the names of the other municipal officers in order which shall be arranged by the respective party committees of such municipality. Below the name of each office shall be printed in smaller capital letters the names of all candidates (alphabetically arranged according to surnames) for the nominations of said office which are entitled to be placed upon the respective party primary ballot. The names of all candidates upon the primary ballot shall be printed in type of uniform size and style and the names shall be printed in a vertical column. Immediately in front of, and opposite the name of each candidate, shall be printed a square, and all squares upon the primary ballot shall be of uniform size. Spaces between the names of candidates for each office shall be uniform, and sufficient spaces shall separate the names of candidates for one office from the names of candidates for another office, to avoid confusion.

3. The primary ballot containing the names of candidates to be voted for at such primary election, shall contain the names of all delegates to the county convention from such primary district and the names of candidates for primary committeemen. No primary ballot shall be used unless the same shall substantially comply with the requirements of this act, and any ballot not in accordance herewith shall be void for all purposes, and shall not be received, deposited or counted by any person or judge at an any such primary election. No person shall be a primary committeeman or a delegate of any primary district who is not a duly qualified primary voter therein.

§ 28. Upon the opening of the polls, one of the primary election judges shall make the proclamation of the same, and at least thirty minutes before the closing of the polls proclamation shall be made in like manner that the polls will be closed in half an hour.

§ 29. Before voting begins, the primary ballot box shall be empty, and it shall be opened and shown to those present to be empty, after which it shall be locked and the key delivered to one of the primary judges, and it shall not be removed from public view from the time it is shown to be empty until after the close of the polls.

§ 30. No person shall vote at any primary election unless he be a male citizen of the United States of the age of 21 years or over or was an elector in this State on the first day of April in the year of our Lord, 1848, or obtained a certificate of naturalization before any court of record prior to the first day of January in the year of our Lord, 1870, and unless next preceding such primary election he has resided in the State of Illinois not less than one year, in the county in which such primary election is held not less than ninety days, and in the primary district in which such primary election is held not less than thirty days and unless further he declares his party affiliation as required by this act.

§ 31. Any person desiring to vote shall state his name, residence and party affiliation to the primary judges, one of whom shall thereupon announce the same in a distinct tone of voice sufficiently loud to be heard by those present in the polling place. If the person desiring to vote is not challenged, one of the primary judges may offer to him one ballot of each kind containing the names of candidates of the political party with which he declares himself affiliated. No person who refuses to state his party affiliation, or who shall have signed a nominating petition for an independent candidate or for a candidate of an opposing political party as now authorized by law shall be allowed to vote at a primary election.

The judges shall receive from any person or persons, and permit to be freely and equally exposed in separate and orderly piles, within the polling place, near the ballot box, and within reach of the voters, a sufficient supply of each of the various ballots provided for in this act, and shall, upon request, furnish to each and every person qualified to vote one of each of the primary ballots of the party with which such person declares himself affiliated.

§ 32. Whenever a person offering to vote at a primary election is challenged, the person so challenged shall make and subscribe an affidavit in the following form, which shall be presented to and retained by the primary judges, and returned by them with the registry poll books:

"State of Illinois,  
County of ..... } ss.

I, . . . . ., do solemnly swear (or affirm) 'that I am a citizen of the United States of the age of 21 years or over,' or 'that I was an elector on the first day of April, A. D., 1848,' or 'that I obtained a certificate of naturalization before a court of record in this.

State prior to the first day of January, A. D., 1870,' as the case may be; that I have resided in this State one year, in this county ninety days, and in this primary district thirty days next preceding this primary election, and have not signed any nominating petition; that I now reside at ..... (insert street and number, if any) in this primary district, and have not voted at this primary election; that I am a member of and affiliate with the ..... party.

Subscribed and sworn to before me this .... day of.....  
A. D., .....

.....”

### AFFIDAVIT OF WITNESS.

In addition to such affidavit, the person so challenged shall produce the affidavit of one householder of the primary district, who shall be a qualified voter at such primary election, and who shall be personally known or proved to the judges to be a householder in the primary district, which affidavit shall be in the following form:

“State of Illinois, }  
County of..... } ss.

I, ....., do solemnly swear that I am a householder of this primary district and entitled to vote at this primary election; that I am acquainted with ..... (name of party challenged), whose right to vote at this primary election has been challenged; that said ..... (name of party challenged) is an actual *bona fide* resident of this primary district, and has resided herein thirty days, and as I verily believe, in this county ninety days, and in this state one year next preceding this primary election; that I verily believe ..... (name of party challenged) is a member of and affiliating with the ..... party.

Subscribed and sworn to before me this .....  
day of.....A. D.....

.....”

§ 33. The voter shall forthwith and without leaving the polling place retire to one of the voting booths and prepare his ballot, unless the same has been prepared prior to entering the booth, by making a cross “X” in the square in front of and opposite the name of each candidate of his choice for each office to be filled.

§ 34. Before leaving the booth the voter shall fold his ballot in such manner as to conceal the marks on such ballot. He shall then hand such ballot thus folded to one of the judges of election, who shall thereupon endorse his initials on the back of the ballot, so folded, and deposit the same ballot in the ballot box. The primary judges shall thereupon enter in the registry poll books the name of the voter, his residence and party affiliation.



§ 35. Any primary voter who shall declare upon oath that he cannot read the English language, or by reason of any physical disability he is unable to mark his ballot, shall, upon request, be assisted in marking his ballot in the same manner as is provided by the general election laws of this State.

§ 36. After the opening of the polls at a primary election, no adjournment shall be had nor recess be taken until all the votes cast at such primary election shall have been counted and canvassed.

§ 37. The votes shall be canvassed in the room or place where the primary election is held and the primary judges shall not allow the ballot box or any of the ballots or the registry poll books or any of the tally sheets to be removed or carried away from such room or place until the canvass of the votes is completed and the returns carefully enveloped and sealed up. The candidates and challengers of each party shall have the right to be present during a canvass of the votes by the primary judges.

§ 38. Immediately upon closing the polls, the primary judges shall proceed to canvass the votes polled in the following manner:

1. They shall first count the whole number of ballots in the ballot box. If the total number of ballots exceed the number of names entered on the registry poll books, they shall carefully examine the ballots and reject those upon which the initials of a primary judge do not appear.

2. If the remaining ballots exceed the number of votes entered on the registry poll books the judges of primary election shall proceed to ascertain the number of names entered on the registry poll books under each party affiliation.

3. The judges shall thereupon arrange the ballots of each political party in separate piles, and count the ballots of each political party separately.

4. If the ballots of any political party exceed the number of names of voters of such political party entered on the registry poll books the ballots of such political party shall be folded and replaced in the ballot box and the box closed and well shaken and again opened, and one of the judges, who shall be blindfolded, shall draw out so many of the ballots of such political party as shall be equal to such excess.

5. The primary judges shall then proceed to count the votes of each political party separately; and as the primary judges shall open and read the ballots each judge shall carefully and correctly mark down upon the tally sheets the votes which each candidate of the respective party whose name is printed or written on the ballot has received, in a separate column prepared for that purpose, with the name of such candidate, delegate, committeeman, etc., the name of his political party, and the name of the office to be filled at the head of such column.

§ 39. As soon as the ballots of a political party have been read and the votes of said political party counted, as provided herein, the clerks shall foot up the tally sheets so as to show the total number of votes cast for each candidate of said political party, including the candidates for primary committeemen and delegates to the county convention, and the total number of votes cast by said political party and certify the same to be correct, and shall also deliver the same to the county clerk. Thereupon the judges shall set down in the registry poll books, under the name of said political party, the name of each candidate voted for, written at full length, the title of the office to be filled, the total number of votes which said candidate received, and the total number of votes cast by said political party at said primary election, and the judges shall certify the same to be true and correct; said entry in the registry poll books to be made substantially in the following form:

.....(Name).....Party.

“At the primary election held in this primary district on the..... day of ....., A. D., 19.... the respective candidates whose names were written or printed on the primary ballot of said..... party, received respectively the following votes:

Name of Candidate.	Title of Office.	Number of votes.
John Smith.....	Governor.....	100
Samuel Jones.....	Governor.....	70
Frank Martin.....	County Clerk.....	150
William Preston.....	County Clerk.....	200
Thomas Johnston.....	Primary Committeeman.....	70
Frederick Johns.....	Primary Committeeman.....	60

(And so for each delegate.)

Total number of votes cast by said.....party,.....

We hereby certify the above and foregoing to be true and correct.

Dated.....

.....  
 .....  
 .....

*Primary Judges.”*

§ 40. After the votes of a political party shall have been counted and set down, the tally sheets footed, and the entry blank made in the registry poll books, as above provided, and the ballots of said political party shall be strung separately upon a strong thread, wire or twine in the order in which they have been read, and shall thereupon be care-

fully sealed up in an envelope, which envelope shall be endorsed as follows: "Primary ballots of..... (name) party of the .....primary district, in the.....of ..... county of....., and State of Illinois," below which endorsement each one of the judges shall write his name.

§ 41. The judges shall continue until all the votes of each and every political party shall have been counted, set down, the sheets footed, the endorsements made, and the ballots strung and sealed up, as herein provided.

§ 42. The primary judges shall make out, upon forms to be furnished by the county clerk, or by the clerk of any city, village or incorporated town and within twenty-four hours after the canvass has been completed, deliver a certificate of election to the candidate for primary committeeman of each political party receiving the highest number of votes of his respective party for that office; which certificate shall show the total number of votes cast by the respective party in the primary district for each candidate for primary committeeman. In case of a tie of such vote, the judges shall cast lots to determine who shall be committeeman. The county clerk of each county or the clerk of any city, village or incorporated town shall cause to be delivered the names of all primary committeemen of the respective parties, so elected, to the secretary of the county committee or the secretary of the city, village or incorporated town committee of the respective parties not later than 9 o'clock a. m. of the Wednesday next following a primary election.

§ 43. The term of office of each precinct or district committeeman elected shall be for the two years next succeeding the date of his election. The committeeman of each party elected within each county or within each city, village or incorporated town shall constitute the county, city, village or incorporated town committee of such party, who shall within ten days after their election select a chairman and such other officers of the committee as they may determine. The number of committee members for each county on a congressional or senatorial committee shall be determined and selected by the delegates, to the congressional or senatorial conventions, respectively. Such congressional and senatorial committeemen, shall within ten (10) days after the first congressional and senatorial conventions held in their respective districts after their election, select a chairman of their respective committees and such other officers as they may determine. The county committee and its officers of any county constituting a senatorial district, shall be the official committee of such senatorial district. Any vacancy occurring in any said committee shall be filled by the respective committee, provided any such vacancy shall be filled by a resident of the precinct, district or territory in which such vacancy occurs.

§ 44. Within twenty-four hours after the canvass has been completed, the primary judges shall issue credentials, forms for that pur-

pose to be furnished by the county clerk, to each one of the requisite number of candidates of each party for delegates to the county convention receiving the highest number of votes of their respective party. That is to say, where a political party in a primary district is entitled to one delegate, credentials shall be issued to the candidate of said party for the delegate receiving the highest number of said party's votes. Where a political party is entitled to three delegates, or to six delegates, to the county convention, credentials shall be issued to the three candidates, or to six candidates (as the case may be), and to each of them receiving the highest number of said party's votes. And in like manner, corresponding with the number of delegates to the county convention to which each political party of the primary district is entitled. In case of a tie, the judges shall cast lots to determine to what delegates credentials shall be issued. Said credentials shall state the total number of votes received by each candidate of his respective party in the primary district and also the name of each candidate of the respective party for each county office receiving the highest number of votes of his party in the primary district. Said credentials shall entitle the delegate named therein to a seat in the next ensuing county convention of the respective party.

§ 45. It is hereby made the duty of the county clerk of each county to furnish to the primary judges of each primary district, with the other election supplies, blank forms of credentials for delegates for each political party, the form to be substantially as follows:

“.....Party.—Credentials.

Credentials of delegates of the.....party of the  
..... in the county of .....  
and State of Illinois, to the.....county convention of  
.....county.

We hereby certify that at a primary election held in said primary district on the.....day of March, A. D. 19..., .....  
(name of delegate) was duly elected a delegate to represent the  
.....party of said primary district in the.....county  
convention of said county and that said..... is a  
duly elected and qualified delegate of the.....party of said  
primary district and as such is entitled to a seat in the.....  
county convention of said county, to be held at .....on  
the.....day of March, A. D. 19...

We further certify that at said primary election each candidate for delegate upon the primary ballot of the.....party, in said district received respectively the following number of votes:

Name of Candidate for Delegate.	Number of Votes.
(Insert names.)	(Insert number of votes.)



We further certify that the following named candidates of said party for the following named county offices each received the following number of votes for his respective office at the primary election in said district:

Name of Candidate.	Votes Received.	Title of Office.

In witness whereof, we have hereunto set our hands this..... day of March, A. D. 19...

.....  
 .....  
 .....

*Primary Judges."*

§ 46. At the time and place designated in the call for the county convention, the chairman of the county central committee, who signed the call for the convention, shall call the convention to order. If neither the chairman or secretary are present, then some member of the county central committee shall call the same to order, and state the object of the convention; whereupon he shall announce that the first thing in order will be the election of a temporary chairman to preside over the said convention. No person other than a delegate shall be elected chairman of said convention, and the chairman shall be elected by a regular roll call by primary districts of the delegates present. After the election of the chairman, the convention shall proceed to elect the other officers of the convention.

§ 47. Upon the permanent organization of the county convention, it shall be the duty of the secretary thereof to ascertain, from the tabulated statement of the returns if any candidates for a county office has received a majority of all votes cast by his party in his county at the primary election. If it shall appear that any candidate for a county office has received a majority of all votes cast by his party in his county at the primary election, such candidate shall thereupon be declared duly nominated by the convention without the formality of a ballot: *Provided*, if the county central committee for said primary and convention shall have authorized the nominations to be made by a plurality vote, then the candidate receiving the highest number of votes shall be declared the nominee of said convention. But in case no candidate of each party for each respective county office shall have received a majority of all votes cast by his respective party in the county, then any candidate of each party for each respective county office who shall have received the highest number of votes cast for any candidate for such office by his party for such office in any primary district shall receive the votes of the delegates in the county convention of his party from such primary district and the votes of each of them unless the county committee in its call for said convention shall have provided for plurality nominations.

§ 48. After the certificates of election and credentials have been made out as herein provided, the primary judges shall place all the sealed envelopes containing the ballots of the respective political parties in a canvas bag, to be furnished by the county clerk, or clerk of any city, village or incorporated town, for that purpose, which canvas bag shall be carefully and securely sealed and endorsed, "Primary ballots, of the.....primary district, in the.....of....." Thereupon the judges shall place the registry poll books and tally sheets in an envelope, to be provided for that purpose by the county clerk, or clerk of any city, village or incorporated town, carefully envelope and seal the same, and endorse upon the back thereof the following: "Primary election returns of the.....primary district, in the....." The envelope containing the returns and the canvas bag containing the ballots shall be delivered by one of the judges to the county clerk, or the clerk of any city, village or incorporated town, at his office by 11 o'clock a. m., of the Monday following a primary election, and the ballots and tickets shall be preserved by such clerk for one year. The registry poll book shall be returned to the proper clerk within ten days after the respective county conventions.

§ 49. As soon as the returns are all in, the county, or city, village or incorporated town clerk, with the assistance of two justices of the peace, of opposite political parties (if possible) shall, without delay, upon [open] all the returns and certify tabulated statements thereof separately for each political party. The tabulated statement of the returns of each political party shall state in appropriate columns and under proper headings the total number of votes cast by the respective party in each primary district in the county, or municipality, and the total number of votes cast for each candidate of the respective party in each primary district in the county, or other municipality. The county clerk, or other clerk, shall deliver a copy of the tabulated statement of the returns of each political party to the secretary of the county, or city, village or incorporated town committee of the respective political parties, not later than 12 o'clock M. of the Wednesday following the primary election. And it is hereby made the duty of the secretary of the county central, or other managing committee of each political party to deliver the same to the next ensuing city, village or incorporated town or county, senatorial or congressional conventions of his party in his respective district, or municipality. The county clerk of each county shall cause to be delivered to the Secretary of State within eight days next following such county convention, the total vote cast for each candidate of the respective party, for Governor and United States Senator in the respective county. The Secretary of State shall cause to be delivered to the Secretary of State convention of the respective parties next following such primary election, upon the assembling of such State convention for the respective parties, the total vote by the counties, for each candidate for Governor of the respective parties. It shall be the duty of the secretaries respectively of the county, senatorial, congres-

sional and State conventions, to read to the convention before any candidate is put in nomination, the total vote, by counties, received by each candidate of the respective party voted for upon the primary ballot provided for in this act.

§ 50. Any candidate whose name appears upon the primary ballot of any political party in any primary district, may contest the primary election held in any municipality or in any or all the primary districts in any county as to the office for which he was a candidate for nomination, by filing with the clerk of the county court of the respective county a petition in writing setting forth the grounds of contest, which shall be verified by affidavit of the petitioner. Jurisdiction is hereby vested in the county courts in term time, and in the judges thereof in vacation, to hear and determine primary election contests. When a petition to contest a primary election shall be filed in the office of the clerk of the county court, said petition shall forthwith be presented to the judge thereof, who shall note thereon the day of presentation and shall also note thereon the day when he will hear the same, which shall be before the next following county convention after such primary election, it shall be determined in sufficient time to enable the successful candidate or candidates to have their names printed upon the ballots for the election ensuing after such primary, and shall order issuance of summons to each defendant named in his petition. Summons shall forthwith issue to each defendant named in the petition and shall be served in the same manner as is provided in cases of chancery. The case may be heard and determined by the county court in term time, or by the judge thereof in vacation at any time, not less than two days after service of process and shall have preference in the order of hearing to all other cases. The petitioner shall give a bond with security to be approved by the clerk of the court conditioned for the payment of all costs. If, in the opinion of the court in which the petition is filed, the grounds for contest alleged are insufficient in law, the petition shall be dismissed. If the grounds alleged in the petition are sufficient the court shall proceed in a summary manner and may hear evidence, examine the returns, recount the ballots and make such orders and enter such judgments as justice may require, and judgment of said court shall be final.

§ 51. No State convention shall hereafter be held in any year before the first day of May, and not later than the 15th of May. All senatorial conventions shall hereafter be held on the Wednesday next following the day upon which county conventions are held, except where a county is a senatorial district, in which case the senatorial convention shall be held on the same day and the delegates to the county convention shall nominate the senatorial candidates; and all congressional conventions shall be held on the second following Wednesday after the day set for the holding of the county conventions as above provided.

§ 52. No candidate for the nomination for any office, who has not complied with the provisions of this act, shall be nominated by any convention: *Provided*, that any convention may by a four-fifths vote

of all its members nominate a person whose name did not appear upon the primary ballot; and in case of a vacancy, by death or otherwise, any convention may, by a majority vote of all its members, select any qualified person as candidate to fill such vacancy: *Provided*, that in case of a vacancy upon the ticket, by death or otherwise, after the convention has adjourned, said vacancy shall be filled by the county central, senatorial, congressional or State committee, as the case may be; and it is hereby made the duty of the proper officer upon receipt of the resignation or knowledge of the death of any candidate, to immediately notify in writing the appropriate chairman.

§ 53. If any one or more delegates to a county convention from any primary district be absent, the delegates from said primary district present in the county convention shall cast the full vote of the delegation from said primary district: *Provided*, that the full vote of said delegates from said primary district shall be cast in the convention in accordance with the instructions received by said absent delegates. If all the delegates to the county convention from any primary district are absent, such primary district shall have no vote in said convention.

§ 54. Any delegate in any county convention shall have the right upon the first ballot to challenge the vote of the delegation of any primary district upon the ground that the vote of said delegation, as announced, is not cast in accordance with the vote and instructions of said primary district at the primary election, as evidenced by the certificate of returns from said primary district. And whenever the vote of a delegation as aforesaid is challenged, the chairman of the convention shall examine the certificate of returns and ascertain whether or not the grounds for challenge are well taken. The secretary of the convention shall record the vote of said delegation in accordance with the vote and instructions of the primary district at said primary election.

§ 55. The delegates of each party for each county, to all State, congressional and senatorial conventions, shall be chosen and selected by the county convention of the respective party of said county, and not otherwise. Any candidate other than a candidate for a county office, who shall receive the highest number of votes cast in the county in said primary shall be entitled to receive and shall have cast for him the vote of all the delegates from that county in the nominating convention.

§ 56. The candidate of any party for the nomination of Governor, whose name appears on the primary ballot of his party in any county, who shall have received the highest number of votes cast by his party in said county, as shown by the certificate of returns, shall be entitled to receive and shall have cast for him the vote of all the delegates from that county in the nominating convention and such fact shall be stated in the credentials issued to the delegates to the State convention of said party from said county.

§ 57. The candidate of any party for the nomination of any congressional office, whose name appears on the primary ballot of his party in any county, who shall have received the highest number of



votes cast by his party in said county as shown by the certificate of returns, shall be entitled to receive and shall have cast for him the votes of all the delegates from that county in the nominating convention and such fact shall be stated in the credentials issued to the delegates to the congressional convention of said party from said county.

§ 58. The candidate of any party for the nomination for member of General Assembly, whose name appears on the primary ballot of his party in any county, who shall have received the highest number of votes cast by his party in said county as shown by the certificate of returns, shall be entitled to receive and shall have cast for him the votes of all the delegates from that county in the nominating convention, and such fact shall be stated in the credentials issued to the delegates to the senatorial convention of said party from said county: (2) *Provided*, that in senatorial districts consisting of two counties no more than two persons of the same political party, that is, one candidate for senator and one for representative, or two candidates for representative shall be nominated from any one county; and that in senatorial districts consisting of three counties or more, only one person of the same political party, that is, either one candidate for senator or one candidate for representative, shall be nominated from any county.

§ 59. If it shall be ascertained by any roll call in any convention, that no candidate has a majority of the delegates in such convention and that a nomination is thereby rendered impossible, then said convention may, by a majority vote, of all the delegates to the convention, release the delegates from instructions, and each individual delegate shall thereafter vote as he may determine.

§ 60. No spirituous, malt, vinous or intoxicating liquor shall be sold or given away, nor shall any saloon or bar room or place where such liquor is sold or given away, be open during the holding of any primary election. Whoever violates the provisions of this section shall be fined in a sum not less than \$25 nor more than \$100. It shall be the duty of the sheriff, coroner, constable and other officers of the county, and magistrates, to see that the provisions of this section are enforced.

(1) If any person whose vote is challenged, or any witness sworn under the provisions of this act, shall knowingly, wilfully and corruptly swear falsely he shall be deemed guilty of perjury, and on conviction thereof shall be punished accordingly.

(3) Whoever unlawfully votes more than once at any election, or offers to vote after having once voted at such election, shall, on conviction thereof, be fined in a sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

(4) Whoever wilfully aids or abets any one not legally qualified to vote at an election in voting or attempting to vote at such elections; or

Second. Furnishes an elector with a ticket or ballot informing him that it contains a name different from that which appears thereon, with intent to induce him to vote contrary to his inclinations; or

Third. Changes a ballot to [of] an elector, with intent to deprive such elector of voting for such person as he intended; or

Fourth. By unlawful means prevents or attempts to prevent any voter from attending or voting at an election; or

Fifth. Gives, or offers to give, any valuable thing or bribe to any judge or clerk of an election, as a consideration of some act to be done or omitted to be done contrary to his official duty in relating [relation] to such election, shall on conviction thereof, be fined in a sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court. And any judge or clerk who shall receive, request or demand any bribe or reward forbidden by this act shall, upon conviction, be liable to the same penalties as are prescribed in this act for the giving or offering to give such bribe or reward.

(5) Any person who shall solicit, request, demand or receive directly or indirectly, any money, intoxicating liquor or any other thing of value, or the promise thereof, either to influence his vote, or to be used, or under the pretense of being used to procure the vote of any other person or persons, or to be used at any poll or other place prior to or on the day of an election for or against any candidate for office, or for or against any measure or question to be voted upon at such election, shall be deemed guilty of the infamous crime of bribery in elections, and upon conviction thereof in any court of record, shall be sentenced to disfranchisement by the judge of such court for a term of not less than five and not more than fifteen years, and to the county jail not less than three months nor more than one year, and to pay the cost of prosecution and stand committed to the county jail until such costs are fully paid. That for a conviction of a second offense under this section, the first being alleged and proven, such offender shall be by sentence of the court forever thereafter disfranchised and deprived of the right to vote at an election in this State, and be imprisoned in the county jail not less than one year, and be committed to jail in default of the payment of costs of prosecution until such costs are fully paid. Prosecutions may be had under this section by indictment in the circuit court, or by information in the county courts, and the effect of a sentence of disfranchisement in either of said courts, both having jurisdiction of offenses hereunder, shall be to deprive such persons sentenced of the right to vote at any general or special election, or town meeting, within this State for the period of time fixed by the court where such person shall be convicted under this section. Any candidate, or other paying, furnishing or promising to pay or furnish or bribing such person, with money, intoxicating liquor, or any other thing of value, or the promise thereof, shall not be liable to punishment therefor, but shall be a competent witness and compelled to

testify in prosecutions under this section. Solicitation of any person of a loan of money, or the purchase of anything of value, or any other subterfuge, shall be deemed a violation thereof.

Second. Any person who shall have been legally convicted and disfranchised by a court of competent jurisdiction who shall before the expiration of his term of disfranchisement, vote or offer to vote at any general or special election, or town meeting within this State, shall, upon indictment and conviction thereof in a court of competent jurisdiction, be confined in the penitentiary for a term of years not less than one or more than ten years.

(6) Whoever is disorderly at any election shall forfeit a sum not exceeding \$25.

(7) Whoever bets or wagers any money, property or other valuable thing upon the result of an election which may be held under the constitution or laws of this State, or bets or wagers money, property, or other valuable thing upon the number of votes which may be given to any person at an election, or upon who shall receive the greatest number of votes at an election; or agrees to pay any other person any money, property or other valuable thing, in an event that an election shall result in one way, or in the event that any person shall or shall not be elected, or shall receive a greater number of votes than others, upon conviction thereof shall be fined in a sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

(8) If any judge of an election shall permit a person to vote whose vote is challenged, without the proof required in this act; or

Second. Shall knowingly and wilfully permit a person to testify as a witness contrary to the provisions of this act; or

Third. Shall knowingly permit a person to vote who is not qualified according to law; or the same election for the same office, except as allowed by law; or

Fourth. Shall knowingly receive and count more than one vote from the same person at the same election for the same office, except as allowed by law; or

Fifth. Shall refuse to receive the vote of a qualified elector at such election, who will make the affidavit and proof required by this act; or

Sixth. Shall be guilty of any fraud, corruption, partiality or manifest misbehavior; or

Seventh. Shall open or unfold any ballot when the same is presented to be deposited in the ballot box; or

Eighth. Shall wilfully neglect to perform any of the duties required of him by this act, shall, on conviction thereof, be fined in a sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

(9) If any clerk of an election shall wilfully neglect to perform any duty required of him as clerk of election, or shall be guilty of fraud,

corruption or misbehavior as such clerk, he shall, on conviction, be fined in a sum not exceeding \$500, or imprisoned in the county jail not exceeding six months, or both, in the discretion of the court.

(10) If any judge, clerk or messenger, after having been deputed by the judges of election to carry the poll books, tally lists and votes of such election to the place where by law they are required to be canvassed, wilfully or negligently fails to deliver such poll books, tally lists or ballots, within the time prescribed by law, with the seal unbroken, he shall, upon conviction, be fined in a sum not exceeding \$500, or imprisoned in the county jail not exceeding six months, or both, in the discretion of the court.

(11) If the county clerk wilfully neglects or refuses to perform any duty required of him by this act, he shall, upon conviction, be fined in a sum not exceeding \$500, and shall be liable to the person injured by reason of such neglect or refusal, in an amount not exceeding \$500, to be recovered in an action on the case.

(12) If any county clerk or justice of the peace shall be guilty of fraud, corruption or misbehavior in canvassing the votes or making any abstract of votes or issuing any certificate of election, he shall, on conviction, be fined in any sum not exceeding \$500, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

(13) Whoever shall wilfully and wrongfully take or carry away from the place where it has been deposited for safe keeping, or deface, mutilate or change any poll book, ballot or tally list, or any name or figure therein, shall on conviction, be fined in a sum not exceeding \$1,000, or imprisoned in the county jail not exceeding one year, or both, in the discretion of the court.

§ 61. When a vacancy shall occur in any elective office and a special election shall become necessary to fill the same, the committee of the several political parties for the territorial area in which such vacancy occurs, shall nominate the candidate or candidates for the respective parties.

§ 62. Any State convention, the congressional or senatorial convention of any congressional or senatorial district and any county convention of any party, shall have power to direct the respective official committee to fill any vacancy or vacancies which may occur on the ticket nominated by each respective convention.

§ 63. No delegate to any convention held under the provisions of this act shall have any power or authority to name or appoint any proxy or substitute to vote for or in his stead, and no proxy or substitute appointed by any delegate shall be binding or effective on any convention or conventions held under the provisions of this act.

§ 64. It is hereby made the duty of the grand jury of each county, at each and every term, to inquire into all violations of this act.

§ 65. *Provided*, that in all counties of this State, having a population of one hundred and twenty-five thousand or over, the following sections only shall apply, except as hereinafter provided.



§ 66. That in every county, city, village or incorporated town respectively in this State to which this act shall apply as hereinafter provided, the primary elections for delegates to constitute the various conventions of the different political parties or organizations of such county, city, village or incorporated town, or any part thereof, held for the nomination of candidates for public office in this State, and any part thereof, and for the Congress of the United States, whose names are to be printed on the official election ballots printed and distributed at public expense in such county, city, village or incorporated town, or any part thereof, shall hereafter be held under and pursuant to this act. A convention to nominate candidates for public office to be voted for by the electors of the entire State shall be known as a "State convention;" a convention to nominate candidates for public office to be voted for by the electors of an entire county shall be known as a "county convention;" a convention to nominate candidates for public office to be voted for by the electors of an entire city, village or incorporated town shall be known as a "city, village or town convention," respectively; a convention to nominate candidates for public office to be voted for by the electors of an entire township shall be known as a "township convention;" a convention to nominate candidates for public office to be voted for by the electors of an entire ward shall be known as a "ward convention;" all other nominating conventions in this State shall be known as "district conventions."

Each nominating convention shall be held within the boundaries of the municipality or district for which its nominations are to be made, and at the place designated in the call. A majority of the delegates entitled to a seat in the convention shall be necessary to constitute a quorum. The chairman of the county central or managing committee shall call the county convention to order and preside until the temporary officers are chosen. The chairman of the county central committee shall designate a committeeman who shall call the various conventions within his district to order, which said committeeman shall be a resident of the district over which said convention is called to make nominations, and said committeeman shall preside until the temporary officers are chosen. All convention officers shall be delegates and shall be chosen upon a roll call, such roll call to be by wards and districts, and announced by the chairman of such ward or district delegation. In case, however, the vote of any ward or district is challenged or disputed when announced, then the roll of delegates of such ward or district shall be called, and the persons receiving the votes of a majority of the delegates shall be declared elected the officers of the convention. No adjournment or recess of the convention shall be taken before completing the nominations it was called to make, except upon a yea and nay vote taken upon a roll call, as aforesaid.

§ 67. Any political party or organization which at the last preceding general election for President in this State polled at least twenty per cent of the entire votes cast in the particular county, city, village or incorporated town, or district thereof, respectively, for which the

application is being made, shall be entitled under this act to hold a primary election on the last Saturday of February immediately preceding any regular spring or summer elections; which primary election shall effect only the nominations for the offices to be filled at the particular spring or summer elections next and immediately following such primary election day; and such political party or organization, qualified as stated in this section, shall be entitled also to hold another primary election on the last Saturday of April, immediately preceding any regular summer or autumn elections; which last mentioned primary election shall effect only the nominations for the offices to be filled at the particular summer or autumn elections next and immediately following such primary election day: *Provided*, that such primary election day and certificates of nomination shall be subject to the provisions of section 7 of an act entitled, "An act to provide for printing and distribution of ballots at public expense, and for the nomination of candidates for public office, to regulate the manner of holding elections, and to enforce the secrecy of the ballot," in force July 1, 1891; all political parties shall hold their primary elections on the same day.

§ 68. The political party or organization entitled under this act to hold a primary election at least twenty days before such primary election day shall file with the board of election commissioners within whose jurisdiction they are; and in such portions of the county as lie beyond the jurisdiction of said board of election commissioners, with the county clerk, and also with the county clerk where there is no board of election commissioners, a call or application in writing, which shall set forth:

First—The name of such political party and the address of the headquarters of the central committee or managing committee of such political party.

Second—The name, place and time of every convention for the nomination of candidates for public office for which such primary election is called.

Third—The description of each of the various primary election districts, together with the names of the three persons for judges of election and two persons for clerks of election for each such primary district, also the designation of a polling place for each such primary district.

Fourth—The number of delegates from each such primary district to each convention: *Provided*, that the number of delegates from each of the different primary districts be proportioned equally to the number of votes of such political party in each district as shown by the last preceding presidential election returns: *And, provided*, that each primary election district shall be allowed to be represented by at least one delegate to each convention in which such primary district is entitled to be represented: *Provided*, that all the organizations or subdivisions of any one general political party representing any municipality, district or ward, shall hold their primary elections, such as

may then be in order, for the respective county, city, village or incorporated town, or other political divisions therein, together and on one and the same day; and each municipal, district or ward organization of the party that neglects to join shall forfeit the right to hold primaries for its political nominations then due. In due time before filing said call or application, the central or managing committee representing the largest political territory for which primaries are next in order may notify, in writing, the chairman or secretary of each territorial organization of such general party to return, in writing, within a specified time, properly authenticated by such territorial organization of the party, the request of such subdivision of the party for its respective primaries, and also the name, place and time of the lawful nominating conventions they wish to hold, and containing other lawful suggestions; and upon receiving such request in writing, such central or managing committee shall include in said call or application the name, place and time of the proper conventions of such subdivisions of the party, and all such other proper matters and things as will make its primaries effective, fair and equal, and shall make only such small changes in the time of the suggested primary election day or the convention days as may be required by this act in order to have all the primaries of each political party held on the same day; but such central or managing committee, even if no request in writing is returned, may include the primaries and conventions of all such lesser territorial subdivisions of the party. If such central or managing committee, after receiving such request in writing, files said call or application without including therein the primaries and conventions of the subdivision of the party making a request in writing, as aforesaid, such subdivision of the party shall be entitled to hold its primaries together with the general party, upon filing with the proper public officer, clerk or board, at least 17 days before the primary election day, an application in writing, which shall set forth the fact of such omission, the name of the headquarters of the subdivision of such party, the name, place and time of the lawful conventions desired to be held by such subdivision of the party, and containing also such other suggestions and statements as will make it possible for the proper authorities to include the primaries of such subdivision of the party in the general primaries of the general party. In default of such central or managing committee in filing any call or application at least 38 days before nomination certificates for the regular election day are due, then each subdivision of such party whose lawful primaries are then in order may, not less than 35 days before the day such certificates are due, file its own call or application, and the lawful officer, board of election commissioners, or the county clerk, as the case may be, with whom the calls are lawfully filed, shall, in an order or memorandum, substantially in the form of a call or application, fix one and the same day for all such primaries, and shall determine and fix upon all other things necessary to have such applicants have an effective, fair and equal primary election with as little public expense as possible.



§ 69. Such call or application shall be signed by the chairman and attested by the secretary of the central committee or managing committee of such political party or organization, verified by oath that the facts therein stated are true and that they are, respectively, the chairman and secretary of such committee. No persons and no political party or organization shall use the name of another political party or organization (or any designation similar to that of another political party or organization) in such manner as to deceive voters. Upon the filing of such call or application, according to the provisions of this act, any political party or organization which, at the last preceding general election for presidential electors in this State, polled at least twenty per cent of the entire vote cast in the whole county, city, village or incorporated town, represented by such political party or organization, shall be allowed to hold a primary election under this act.

§ 70. At least ten days before the primary election day, designated as aforesaid, it shall be the duty of the board of election commissioners, or the county clerk, or both, as the case may be, upon the application or call of any political party entitled thereto, as aforesaid, through its central committee, or managing committee, as aforesaid, to give notice of such primary election. Such notice shall contain the name of the political party or organization for which such primary election is to be held, the name, place and time of each convention, according to the application or call aforesaid, to be held by such party for the nomination of candidates for public office, the date upon which such primary election is to be held, the description of each of the various primary election districts, the location of the polling place for each such district, and the number of delegates to be elected from each primary district to each convention. Such notice shall be posted in five public places in each primary district. But no failure or error in noticing or in the application aforesaid, shall invalidate any primary election actually held, and any primary election held pursuant to any notice substantially like the above notice shall be deemed to be held under this act, and all justices of the peace, and all judges of courts of record in the territory for which such primary election is called shall take judicial notice of the holding of such primary election under this act.

§ 71. For purposes of primary elections under this act, and in the more sparsely settled country, a regular election precinct may constitute a primary election district; but in populous sections, in order to save expense, from two to seven, but no more, entire contiguous election precincts of the same ward, or other political division, in as compact a form as practicable, may be joined so as to form one primary election district, but in such manner that each primary election district, consisting of two or more regular election precincts, shall include at least three regular election judges and two regular election clerks residing within such primary district and belonging to the party establishing such primary district. In no event shall any primary district contain more than eight hundred voters, to be ascertained by the party vote of the party holding said primary



election cast at the last preceding presidential election. Primary districts, when lawfully established, shall remain so established for each party's successive primaries for the period of four years, except as changes may be necessitated by law: *Provided*, that where a regular election precinct consists of, and is co-extensive with, a congressional township, then said congressional township shall constitute one primary election district within the meaning of this act: *And, provided, further*, that in such case, and in any case where there exists no board of election commissioners, and where the judges and clerks of election are appointed and chosen by a board of supervisors or board of county commissioners, then the judges and clerks who are to serve as judges and clerks of any primary election shall be members of the political party holding such primary election; and if there are no judges and clerks of election in and for such congressional township who belong to, and are members of, the political party seeking to hold a primary election under the provisions and within the meaning of this act, then the county central or governing committee of such political party shall have and is hereby granted, the power and right to name, appoint, notify, direct and qualify such members of its own party as are otherwise eligible under the provisions of this act to serve as judges and clerks of such or any primary election held under and within the meaning of this act. In each such primary election district there shall be a primary polling place, which shall be as near the center of population of such district as is practicable, and such primary polling place shall be in the most public, orderly and convenient part of such primary district, and within a room permitting easy ingress and egress to voters, and no building shall be designated or used as such polling place in which spirituous or intoxicating liquor is sold, or which is within one hundred feet of any place where such liquor is sold. The central committee or managing committee of any political party or organization entitled to hold such primary elections under this act shall establish such primary election districts and designate such polling places according to this act not less than twenty days before such primary election day. In default of such central committee or managing committee designating such primary election districts and polling places, the same shall be done by the member or members of the board of election commissioners representing said party; or, if no such board exists in any part of the county, then by the judge of the county court, and where there is a board of election commissioners which does not have jurisdiction over the entire county then the county court shall do the same over such territory in his county where said board of election commissioners does not have jurisdiction.

§ 72. Not less than ten days before such primary election day, the certain person, officer, officers or board, or board of election commissioners, as the case may be, by the general election law authorized to appoint judges and clerks for general elections, is and are hereby empowered to appoint, and shall, for each primary election district, appoint and swear in from the list of duly appointed and regular elec-

tion judges and clerks, and otherwise as herein provided, three judges and two clerks, who are members of such political party, to serve respectively as judges and clerks at such primary election: *Provided, however,* that such political party or organization, through its central or managing committee, shall have the right, not less than 20 days before such primary election day, to designate and name for appointment for service at such primary elections such certain of the regularly listed judges and clerks as were originally recommended and named or endorsed for appointment as regularly elected judges and clerks by such political party; and in case there are not a sufficient number of listed regular judges and clerks so originally recommended and named or endorsed by such political party to equip all primary polling places of such party, then such political party or organization may, not less than 20 days before such primary election day, through its central or managing committee, recommend to such appointing power a sufficient number of qualified persons for appointment to serve as primary election judges and clerks to equip all the primary polling places of such party; and such person, officer or board having such appointing power, to whom or to which such names are designated by such political party as aforesaid, shall, not less than ten days before said primary election day, select from the names so recommended, and shall notify, appoint and swear in such persons if qualified to act as judges and clerks at such primary election: and such persons so appointed shall serve as judges and clerks, respectively, at such primary election. Except when only one or two regular election precincts form a primary election district, no two judges and no two clerks shall serve at the same primary polling place who reside in the the same regular election precinct. In default of such designation or recommendation of such judges and clerks by such political party, and in any case of vacancy among primary judges and clerks, then such person, officer or board having the appointing power as aforesaid shall appoint and swear in from the list of duly appointed and regular election judges and clerks who are members of such party a sufficient number of judges and clerks to equip all the primary polling places of such party. Such judges and clerks appointed under this act shall take an oath of office substantially as follows, and shall subscribe their names to the same:

"I.....residing at.....in the city (village or town) of.....in the State of Illinois, do solemnly swear (or affirm) that [I] am a legal voter and a member of the.....party and a householder in the.....ward of the city (village or town) of.....in the State of Illinois; that I will support the laws and Constitution of the United States and of the State of Illinois, and that I will faithfully and honestly discharge the duties of primary election judge (or clerk) for the.....primary election district of the.....ward, of the city (village or town) of.....in the county of.....in the State of Illinois, according to the best of my ability.

Dated this.....day of.....A. D.....

In due time before such primary election day such appointing person, officer or board shall notify every person designated as aforesaid and intended for appointment as judge or clerk of the fact of his selection; and he shall, unless excused by such person, officer or board, for good cause, be appointed as a judge or clerk, respectively, and he shall then be bound to serve as such judge or clerk for the ensuing primary election. Such person, officer or board appointing judges and clerks as aforesaid shall keep a record of the names of all such persons so notified to appear, and whether such persons were rejected for want of qualification or excused for cause; in such case the facts shall be noted. In case any person so notified shall not appear before such person, officer or board, as required in this act, or if he do appear and refuse to serve, or if he shall be sworn to serve and fail to serve on the day appointed, he shall be guilty of a misdemeanor under this act, unless good cause be shown to excuse his default for such service. In case the person intended for appointment does not appear upon notification, then other persons shall be notified as aforesaid until eligible persons are found who will serve. All persons subscribing to the oath as aforesaid, and all persons actually serving as judges and clerks at any primary election, whether sworn in or not, shall be deemed to be, and are hereby declared to be, officers of the county court of the respective county; and such persons shall be liable to punishment by such court in a proceeding for contempt for any misbehavior as such judge or clerk, to be tried in open court on oral testimony, in a summary manner, without written pleadings; but such trial or punishment for contempt of court shall not be any bar to any criminal proceedings against such primary judges or clerks for any violation of this act.

§ 73. All the laws of this State respecting the general elections in this State, now or hereafter in force in any election precinct or district in such county, city, village or incorporated town, except as the same are modified by the provisions of this act, and so far as the same are applicable to primary elections provided for in this act, are hereby declared to be in force in each primary election district respecting the primary elections provided for in this act. Polling places in the respective primary election districts shall be appointed, provided, established, furnished, warmed, lighted, maintained, conducted and supervised: and all necessary ballot boxes, registry books, return sheets, blanks, poll books, stationery and supplies shall be provided, furnished, delivered and used; and notices of such primary election shall be posted; and all judges and clerks shall be paid, appointed upon the recommendation of the central committee or managing committee, as aforesaid, qualified, notified, directed, instructed, sworn, and vacancies in their number supplied; and such primary election in each election district shall be conducted, supervised, regulated and controlled; and after being used at any primary election, all registry books, poll books, ballots, statements, returns,



ballot boxes, ballot box keys, and other election paraphernalia shall be preserved, kept, stored, accounted for and returned; and the polling places and the polls of such primary election shall be opened and closed respectively;

In the same manner and by the same persons or officers or board or judges and clerks, as is provided by the law in force in any election precinct or district in such county, city, village or incorporated town, respecting the general elections, except as such general election laws are modified by this act. The certain person, officer, board, board of election commissioners, or any or all of them, by the general election law authorized to furnish or have the custody of general election ballot boxes, general registry books of voters, and other election paraphernalia, shall, in due time before primary election day, notify one or more of the judges of each election district to appear before such person, officer or board in due time before primary day; and such judges shall appear within such time and such person, officer or board shall deliver to such judge or judges for each primary election district one regular election registry book of voters for each regular election precinct included in the primary election district, also sufficient poll books, tally sheets, blank affidavits, oaths, statements of votes, delegates' certificates of election: also all other blanks, papers and supplies necessary to carry out the provisions of this act.

§ 74. The expense of conducting such primary elections shall be paid by the county, or by the city, or by the village or incorporated town, respectively, to which this act shall apply, as hereinafter provided, including the salaries of judges and clerks, the cost of ballot boxes, registry books, poll books, return sheets, stationery, supplies, polling places and such other expenses as are necessary and incidental to carrying out the provisions of this act. The board of election commissioners, where such board has jurisdiction, otherwise the county clerk, shall audit all the claims of such judges and clerks of such primary election: *Provided*, that in cities, villages and incorporated towns where there is a board of election commissioners all expense incurred by such board of election commissioners shall be paid by such city. Such expenses are to be audited by the county judge and shall be paid by the city treasurer upon the warrants of such county judge out of any money in the city treasury not otherwise appropriated. It shall be the duty of the governing authority of such city to make provision for the prompt payment of such expenses. At all primary elections for city officers though other than city officers may be nominated at the same time, and at all primary elections in a part of such city, such city shall pay such judges and clerks for their services under this act. At all general county and State primary elections, though other than State and county officers, are to be nominated, and at all primary elections where other than judicial officers are to be nominated, such county shall pay such judges and clerks for their services under this act. Said board of election commissioners shall audit all claims of judges and clerks and shall draw a warrant therefor upon such city or county treasury, as the case may be.



§ 75. The judges and clerks of such primary election shall be allowed the sum of five dollars each per day for their services in attending such primary.

§ 76. In order to be qualified to vote at a primary election, the person offering to vote shall be a member of the particular party and legally qualified to vote at the next ensuing regular election. He shall be registered on the regular election registry books within the primary district and reside within the district in which he offers to vote: *Provided*, no person shall be deemed to be a member of a particular party if he has signed any petition for the nomination of any person with reference to the nomination for the next ensuing regular elections, or if he has voted at the primary election of another party within the period of two years next preceding: *Provided*, that in all localities where there is no board of election commissioners having jurisdiction of general elections, every legal voter entitled to vote at regular elections within any election precinct included within the primary district of which he is a resident, and who is a member of the political association or party holding the primary election, shall be entitled to vote at such primary election under the regulations and restrictions applicable to the regular elections.

§ 77. None but legally qualified voters residing in the primary district to be represented shall be eligible as delegates to any convention of such party. Judges and clerks acting as such at any primary election shall be ineligible as delegates to any such convention. No person shall act as a delegate in any such convention except when elected a delegate, according to this act: *Provided*, that in the absence of a delegate, then the delegates present representing the district shall select some one to represent such absent delegate or delegates. If no delegates from a given district are present, then the delegates from the ward, division, or township, shall select any qualified member or members of the party as delegates to fill such vacancy or vacancies: *Provided*, that any and all delegates who are so selected to represent such absent delegates shall stand instructed to vote in the convention the same as such absent delegate or delegates were instructed to vote.

§ 78. Any candidate for the nomination for Governor shall have his name printed on the primary ballot of his political party, in each county, by filing in the office of the Secretary of State not less than thirty days before the primary election a written request substantially as follows:

"I..... of the county of..... in the State of Illinois, certify that I am a member of and affiliate with the..... party; that I am a candidate for the nomination for Governor before the next..... State convention of Illinois, and I hereby request that my name be placed upon the official primary ballot of the party in each county for that office."

Any candidate for the nomination for United States Senator shall have his name printed on the primary ballot of his political party in

each county by filing in the office of the Secretary of State not less than thirty days before the primary election, a written request substantially in form as the foregoing request provided for candidates for Governor. The vote upon such candidates for United States Senator shall be had for the sole purpose of ascertaining the sentiment of the voters in the respective parties. Each candidate for Governor and for United States Senator shall further file with the Secretary of State petition signed by no less than five thousand legal voters, members of the party in which he is a candidate for nomination. Not less than twenty-five days before the primary election, the Secretary of State shall certify to the county clerk of each county the names of all candidates for nomination for Governor and United States Senator, together with their political affiliations, as specified in the written request on file in his office. Each candidate for Governor and for United States Senator of the respective parties shall pay to the Secretary of State a filing fee of one hundred dollars. The officer or board having charge of elections shall cause to be delivered to the Secretary of State within ten days following such primary election, the total vote cast for each candidate of the respective parties for United States Senator and for Governor within their jurisdiction. The Secretary of State shall cause to be delivered to the chairman of the State convention of the respective parties next following such primary election, upon the assembling of such State convention of the respective parties, the total vote by counties for each candidate for United States Senator and for Governor of the respective parties. It shall be the duty of the secretaries respectively of State conventions to read to the convention before any candidate is put in nomination the total vote by counties received by each candidate of the respective parties voted for upon the primary ballots provided for in this act.

§ 79. Any candidate for the nomination of Representative in Congress, member of the General Assembly, mayor or alderman, shall have his name printed upon the primary ballot of his party in the district within which he is a candidate, by filing in the county clerk's office of the county where such candidate resides, and filing copies thereof in other counties where the territory in which he is a candidate extends to such counties, not less than twenty-five days before the primary election, a written request substantially in the following form:

"I.....of the county of .....in the State of Illinois, certify that I am a member of and affiliate with the..... party; that I shall be a candidate for the nomination for..... (describe office), before the next.....convention in the .....district of Illinois, and I hereby request that my name be placed on the official primary ballot of the.....party for said primary election.

....."

The candidates named in this section shall pay the following fees: Each congressional candidate \$100, each candidate for Senator \$50, each candidate for member of the House of Representatives \$25, each

candidate for mayor \$75, each candidate for alderman \$25. Such fees shall be proportionately divided among the respective counties of the district. Each candidate shall further file in the office of the Secretary of State a petition signed by at least five per cent of the voters of his party in the district as shown by the last preceding election for president. The officer or board having charge of elections shall cause to be delivered to the chairman of the respective conventions the result of the vote for said candidates last above mentioned. It shall be the duty of the secretaries of said respective conventions to read to their conventions before any candidate is put in nomination the total vote by districts received by each candidate of the respective party voted for upon the primary ballot provided for in this act.

§ 80. No candidate for the nomination for any office, who has not complied with the provisions of this act shall be nominated by any convention: *Provided*, that any convention may by a three-fourths vote of all its members nominate a person whose name did not appear upon the primary ballot; and in case of a vacancy by death or otherwise, any convention may, by a majority vote of all its members, select any qualified person as candidate to fill all such vacancies: *Provided*, that in case of a vacancy upon the ticket, by death, declination or otherwise, after the convention has adjourned, said vacancy shall be filled by the State central committee in case of State nominations, and by the county central committee in case of all other nominations, unless the respective conventions shall otherwise provide for the filling of such vacancies.

§ 81. Section 21 of an "Act to provide for the printing and distribution of ballots at public expense, and for the nomination of candidates for public offices, to regulate the manner of holding elections and to enforce the secrecy of the ballot," approved June 22, 1891, in force July 1, 1891, as amended by an act approved June 19, 1893, in force July 1, 1893, is hereby made applicable to primary elections held under the provisions of this act.

§ 82. The voter shall forthwith and without leaving the polling place retire alone to one of the voting booths and prepare his ballot unless the same has been prepared prior to entering the polling place by making a cross "X" in the square in front of and opposite the name of each candidate of his choice for each office to be filled.

§ 83. The candidate of any party for the nomination for Governor, whose name appears on the primary ballot of his party in any county, who shall have received the highest number of votes cast for any candidate for such office by his party in any primary district in such county, as shown by the certificate of returns, shall be entitled to receive and shall have cast for him the vote of all the delegates from said primary district in the nominating convention, and such fact shall be stated in the credentials issued to the delegates to the State convention of said party from said district.

§ 84. The candidate of any party for the nomination of any congressional, senatorial, aldermanic or mayoralty office whose name appears on the primary ballot of his party in any district who shall have re-



ceived the highest number of votes cast for any candidate for such office by his party in said primary district, as shown by the certificate of returns, shall be entitled to receive and shall have cast for him the votes of all the delegates from said primary district in the nominating convention, and such fact shall be stated in the credentials issued to the delegates to the respective conventions of said party from said district. And a congressional, aldermanic or mayoralty convention may by a majority vote, nominate a candidate whose name appeared on the primary ballot as a candidate for any of said offices: *Provided, however*, if it shall be ascertained by a roll-call that no candidate shall have a majority of the delegates in such convention, and that a nomination is thereby rendered impossible, then the primary district shall, by a majority vote of its delegates, direct in its discretion when the delegates may cease to vote for the candidate who has received the highest number of votes cast for any candidate for such office in any such primary district.

§ 85. At such primary elections the manner of voting shall be by ballot. The ballots shall be of uniform size, which size shall be designated at least twenty days before the primary election by the officer or board having charge of the election, under the general election law, and said officer or board shall, within said time, also designate the color of paper for the respective parties for said primary election, a different color to be designated for each party, and shall furnish to persons desiring to prepare ballots, paper upon which said ballots shall be printed, and said paper shall so be furnished at the price which it costs said officer or board. The ballots shall be printed or written, or partly printed or partly written, upon said paper so provided and designated. No primary ballots shall be furnished or printed at public expense. The primary election ballots shall be arranged and printed substantially in the manner following, to-wit: At the top of the ballot shall be printed, in large capital letters, words designating the ballot. If a republican ballot, the designating words shall be, "Republican Primary Ballot." If a democratic ballot, the designating words shall be "Democratic Primary Ballot." and in like manner for each political party. Immediately under such discriminating words shall be printed [XX], in capital letters, words describing the number of the primary district, the number of the ward and the location of the polling place. Beginning not less than one inch below [below] the designating words, the name of each office to be filled shall be printed in capital letters, in the following order, to-wit: Governor, United States Senator, Representatives in Congress, Senatorial officers, mayor, aldermen. Below the name of each office shall be printed, in smaller capital letters, the names of all candidates (alphabetically arranged according to surnames) for the nominations of said office which are entitled to be placed upon the respective primary ballots. The names of all candidates upon the primary ballot shall be printed in type of uniform size and style and the names shall be printed in a vertical column. Immediately in front of and opposite the name of each candidate shall be printed a square, and all squares upon the



primary ballot shall be of uniform size. Spaces between the names of candidates for each office shall be uniform, and sufficient spaces shall separate the names of candidates for one office from the names of candidates for another office to avoid confusion. The name of each delegate for whom the voter intends to vote shall appear on one ballot, on one and the same side thereof, in plain letters, together with the name of the convention to which such delegates are to be elected. Immediately preceding the list of delegates to any convention shall appear the name of the candidate or candidates for direct nomination, as hereinbefore provided, or for whom such delegates are expected to vote in such convention. Unless ballots substantially comply with this act in size, color and other provisions herein provided for, the same shall be void for all purposes and shall not be received or deposited or counted by any person or judge at any such primary election. The proper officer or board shall, not less than 20 days prior to a primary election provide and issue a form of primary ballot as a guide for use in printing primary ballots, which form shall be followed in the preparation of all primary ballots, and all ballots not in accordance with the provisions of this act, but which by any mistake may have been deposited in the ballot box, shall be void, and shall be marked "defective" on the back thereof; but no ballot shall be defective because the voter depositing the same has named upon it a less number of delegates than such voter was entitled to vote for. If the voter votes for more persons than there are delegates to be elected to a certain convention, or if for any reason it is impossible for the judges to determine the voter's choice, such ballot, or part thereof, shall not be counted. Ballots not counted shall be marked "defective" on the back thereof, and ballots to which objection has been made by either of the judges or challengers shall be marked "objected to" on the back thereof, and a memorandum, signed by the judges, stating how it was counted, shall be written upon the back of each ballot so marked, and all ballots marked "defective" or "objected to" shall be enclosed in an envelope, securely sealed and so marked and endorsed as to clearly indicate its contents. The judges shall receive from any person and permit to be freely and equally exposed in separate and orderly piles, within the polling place, near the ballot-box and within reach of voters, a sufficient supply of each of the various primary tickets or ballots; and the judges shall hand one of each of the various tickets to each and every person qualified to vote; and whenever the supply of any of the various tickets becomes insufficient, the judges shall immediately mention the fact of such insufficiency to one or more of the candidates or persons interested in said ticket. Any judge or clerk, or any other person, who shall in any manner conceal or remove or destroy any such supply of tickets, or who shall hinder or prevent or interfere with the free and equal reception, exposure, distribution, use or supply of such various primary tickets or ballots, or who shall do any electioneering within 100 feet of the polling place shall, upon conviction thereof, be deemed guilty of a misdemeanor.

§ 86. The polls of such primary election shall be opened at 12:00 o'clock noon, and continue open until 7:00 o'clock in the afternoon of the same day, at which time the polls shall be closed; if any judge or clerk, without lawful excuse, shall be behind time for fifteen (15) minutes after the time for opening such polls, he shall be guilty of a misdemeanor under this act and punished accordingly. No judge or clerk shall absent himself to exceed five (5) minutes at any time until the ballots are all cast and counted and returns made; and, when absent for any cause during such time, said judge or clerk shall authorize some one of the same political party with himself to act for him until his return. If any judge or clerk shall not be present after the expiration of fifteen (15) minutes from the time to open the polls, the judge or judges present shall fill the place of such absent judge or clerk, and one of the judges shall administer to such substitute the oath, as required of the judges or clerks when originally appointed, and blank forms shall be provided for such purpose, which oath shall be preserved and returned by the judges to the proper officer or the board, and such appointee shall be subject to the same punishment and penalties as any other judge or clerk. Whenever such regular judge or clerk shall be present, such substitute shall cease to act. If all judges or clerks fail to appear at the proper time at the polling place, or in case no primary judges and clerks have been appointed as provided in this act, then bystanding voters of such primary district to the number of five (5) or more of such political party may elect legal voters of such party to act as judges or clerks. Such judges and clerks, elected as last aforesaid, shall have full power to conduct such primary election in accordance with this act. Any judge or clerk who shall wilfully absent himself from the polls on such primary election day without good cause shall be guilty of a misdemeanor under this act, and if any judge or clerk shall wilfully detain any registry book or poll book, or other election paraphernalia, and not cause it to be produced at the polling place at the opening of the polls, or for fifteen (15) minutes thereafter, he shall be guilty of a misdemeanor under this act. If, for any good cause, a primary election can not be held at the polling place designated or appointed as aforesaid, the judges of such polling place may, at the time set for opening the polls of such primary election, adjourn such election to the most convenient polling place, near by, which is otherwise suitable according to this act, and such judges shall publicly proclaim such change and post a notice of such change on the polling place originally appointed.

§ 87. Before voting begins the ballot box shall be empty; and it shall be opened and shown to those present to be empty; and it shall not be removed from the public view from the time when it is shown to be empty until after the close of the polls. It shall be locked and the key delivered to one of the judges, and it shall not again be opened until the close of the polls. The judges of election shall each be held guilty of a misdemeanor under this act, if such ballot box shall not by them be kept constantly in public view during

the progress of the election, unless it shall be shown by any judge that he protested against any obstruction of the view of the ballot box and was overruled by the majority of the judges. Voters shall be admitted within the polling place and there shall be permitted no handing in of votes through windows, doors or other openings.

§ 88. Each of the clerks of election, in the poll books kept by him, shall enter in the proper column the name of each person whose vote is duly received for deposit in the ballot box; and in the column under the heading "Number" he shall note the successive number of each successive voter; and in the column headed "Residence" he shall note the residence of each such voter. Each page of such special book shall be substantially in the following form:

### REPUBLICAN (OR DEMOCRATIC) POLL BOOK.

Of a primary election held in the.....primary district of  
the.....ward, of the city of.....town of  
.....county of.....on the.....day of  
.....A. D. 19....

This is to certify that the within list is a correct list of (Republican or Democratic) voters at a primary election held on the.....day of.....A. D. 19....in the.....primary district of the.....ward, in the city of.....town of.....county of.....and State of Illinois.

And that on said primary election day.....19....the undersigned judges and clerks served, and are entitled to pay therefor.

.....  
.....  
.....

*Judges of Election.*

.....  
.....

*Clerks of Election.*

Dated.....19....

Number of Votes.	Names of Voters.	Residence.
1.....	.....	.....
2.....	.....	.....
3.....	.....	.....
4.....	.....	.....
5.....	.....	.....
6.....	.....	.....

Such poll books shall otherwise be of the form, and shall contain the same certifications, as nearly as may be, as the poll books used in the regular elections, and such poll books shall be signed and attested in the same manner as poll books for the purpose of regular elections.

§ 89. One of the judges of such election shall receive the ballot from the voter and shall announce the residence and name of such voter in a loud voice; such ballot shall be folded by the voter in such a manner that the contents thereof cannot be seen without unfolding such ballot. If the judges of election are satisfied that the person offering to vote is a legal voter, whose name is registered on the regular election registry books, except as herein otherwise provided for localities where there is no board of election commissioners, and are satisfied that he is a member of the political party holding such primary election and if no challenge is interposed, the judge receiving such ballot shall again announce to the clerks of election the residence and name of the person offering such ballot, and such judge shall mark with pencil or ink the initials of his own name on the back of such ballot as it is folded, and thereupon such judge, after holding up and showing the ballot to be so marked, shall immediately, in the presence of the voter offering such ballot, and keeping the same in plain view of the judges and clerks of election and of such voters and challengers as may be present, deposit into the slot of the ballot box the ballot thus received and marked, and no other; and thereupon the clerks of election shall enter upon the poll books in the proper column the name and proper successive number of each voter and his residence. The judges and clerks, and each of them, shall see to it that each ballot is endorsed as aforesaid. If such person shall be challenged as disqualified, the person challenging shall assign his reason therefor, and thereupon one of said judges shall administer to the person offering to vote an oath to answer all questions truthfully, and if he shall take such oath he shall then be questioned by said judge or judges touching such cause of challenge and touching any other cause of disqualification, and he may also be questioned by the person challenging him in regard to his qualifications and identity; but if a majority of the judges are of the opinion that he is the person so registered and a voter qualified to vote at such party primary election, his vote shall then be received and deposited. But if the vote of a person apparently registered be rejected by such judges, such person may afterwards produce and deliver an affidavit to such judges, subscribed and sworn to by him before one of said judges, in which it shall be stated how long he has resided in any precinct within such primary district and in the county and State; that he is a male citizen of the United States and is a member of the political party holding such election, and is a duly qualified voter at such primary election in such district and that he is the identical person so registered or so named. But the affidavit aforesaid shall be supported by an affidavit by at [least] two registered voters, who are householders residing in such primary district, stating their own residence and that they know such person to be a member of



the political party holding such primary election, and that such person does reside at the place mentioned, and has resided in such primary district and in such election precinct, county and State for the length of time as stated by such person, which affidavit shall also be subscribed and sworn to as the affidavit last aforesaid. Whereupon the vote of such person shall be received and entered as other votes. But the clerks having charge of such poll books shall state in their respective poll books the facts in such case and the name of the person challenging; and the affidavits so delivered to said judges shall be preserved and returned to the officer entitled to receive them. Any registered voter of the party in the district may challenge. Blank affidavits of the character aforesaid shall be sent out to judge [judges] of all the districts and the judges of election shall furnish the same on demand and administer the oath without criticism. Such oaths, if administered by any other officer than a judge of election, shall not be received: *Provided*, That no judge, challenger or other person shall in bad faith, or for purpose of delay, challenge or question registered votes [voters] of the district.

§ 90. The judges of election shall permit each different ticket of delegates to be represented by a challenger chosen by a majority of those named for delegates on any particular ticket. Said challengers shall be protected in the discharge of their duty by the judges of election and the police. Said challengers shall be permitted to remain within the polling place in such a position as will enable them to see each person as he offers his vote and said challengers may remain within the polling place throughout the canvass of the vote and until the returns are signed. The challengers shall be permitted to remain so near that they can see the judges and clerks are faithfully performing their duties.

§ 91. The judges of election shall admit one or more policemen to be present in said polling place at the time of such canvass. None but the officers of such primary election, challengers and peace officers shall occupy such polling place except for the purpose of voting.

§ 92. The judges of election shall have the power to administer and certify oaths required during the progress of any primary election held under this act, and they shall have authority to keep the peace, and to cause any person to be arrested for any breach of the peace or for any breach of election laws, or any interference with the progress of such election or of the canvass of the ballots, and it shall be the duty of all officers of the law present to obey the orders of such judges of election, and an officer making an arrest by the order of any judge for any violation of the provisions of this act shall be protected in making such arrest, the same as if the warrant had been issued to him to make such arrest.

§ 93. Immediately upon the closing of the polls the judges and clerks shall proceed to canvass the votes polled. If two or more ballots are found folded together and within each other, so as to appear to have been cast by the same person as one ballot, and the inner bal-

lot or ballots are without the proper initial mark, as provided in this act, then all such ballots so folded together, including the outer one, whether such outer one is properly marked on the back thereof as provided in this act or not, shall, as nearly as may be, in the same condition as found, be marked "stuffed," and such ballots shall be void and shall not be counted, and the same shall be placed in an envelope marked "stuffed ballots," which envelope shall be sealed and preserved, together with the other ballots. If the ballots remaining shall be found to exceed the number of names entered on the poll lists, such judges and clerks shall reject the ballots, if any be found upon which the proper initial marks do not appear. If the number of ballots still exceed the number of names entered on such poll list, the ballots remaining shall be replaced in the ballot box and the box closed and well shaken, and again opened, and one of the judges shall publicly draw out and destroy so many ballots unopened as shall be equal to such excess, keeping a note of the number of such ballots and noting the same on the statement of returns. Such judges and clerks shall then proceed to count, declare and record the votes in the following manner: The judges shall open all the ballots and place in separate piles those which contain the same names throughout. Each of the judges shall examine such separate piles and exclude from such piles any ballots which do not contain all the same names for all the same conventions. One of said judges shall then take one pile of the ballots which contain the same names and count them carefully, examine each name and convention on each of such ballots. Such judge shall then pass the ballots aforesaid to the judge sitting next to him, who shall count them in the same manner, and he shall then pass them to the third judge, who shall also count them in the same manner. The third judge shall then call the names of the persons named in such ballots and the conventions for which they are designated, together with the number of votes for each so far as counted, and the poll clerks shall tally the number of votes for each of such persons on tally sheets. When such judges have counted through such first pile of ballots containing the same names, and when the poll clerks shall have tallied the votes for each of the delegates named in such ballots, they shall then take up the next pile of ballots containing the same names and shall count them in the same manner as last aforesaid. When the counting of each pile of ballots which contain the same names shall be completed, the poll clerks shall compare their tallies together and ascertain the total number of ballots of that kind so canvassed, and when they agree upon the number, one of them shall announce it in a loud voice to the judges. The judges shall then canvass the other kind of ballots, which, in names or conventions, do not correspond with one another. They shall be canvassed separately by one of the judges, sitting between two other judges, which one judge shall read to the clerks from each such ballots each name and the convention for which such name is designated, and the other judges looking at the ballot at the same time, and the

poll clerks tallying the same. When all these ballots have been canvassed in this manner, the clerks shall compare their tallies together and ascertain the total number of votes received by each person, and when they agree upon the number, one of them shall announce in a loud voice to the judges the number of votes received by each person.

§ 94. Such canvass shall not be adjourned or postponed until the several statements hereinafter required to be made by the judges and clerks have been made and signed by them. Upon the completion of such canvass the judges of election shall declare the result thereof, and such declaration shall be *prima facie* evidence of the result. The judges of election shall make three statements of all the votes cast at such primary election. Such statement shall be substantially in the following form:

### REPUBLICAN (OR DEMOCRATIC)

#### STATEMENT OF VOTES.

State of Illinois, }  
County of..... } ss.

At a primary election held on the ..... day ..... A. D. 19... between the hours of 12 o'clock noon and 7 o'clock p. m., at..... in the..... primary district of the..... ward, of the town of..... of the city of..... county of..... and State of Illinois, the following named persons received the number of votes annexed to the (their) respective names for the following described conventions, to-wit:

.....  
.....  
.....received.....votes for city convention  
.....received.....votes for city convention  
.....received.....votes for city convention  
.....  
.....received.....votes for town convention  
.....received.....votes for town convention  
.....received.....votes for town convention  
.....  
.....received.....votes for ward convention  
.....received.....votes for ward convention  
.....received.....votes for ward convention  
.....  
.....

This is to certify that the foregoing statement, showing the total number of votes for each of the above-mentioned persons for the conventions annexed to their respective names, is correct in every respect.

Given under our hands this... day of.....A. D....

.....  
 .....  
 .....

*Judges of Election.*

(Witnessed by)

.....  
 .....

*Clerks of Election.*

Such statements shall show the whole number of votes given for each person, and the convention for which he is designated, and such judges shall certify that such statements are correct in every respect, and the clerks of election shall witness the same. Each such statement and each sheet of paper forming a part of such statement shall be subscribed by the judges and election clerks. If any judge or clerk shall decline to sign such statements, he shall state his reasons therefor in writing, and a copy thereof, signed by himself, shall be enclosed with each statement. One statement, as aforesaid, of the votes cast shall, after being made out as aforesaid, be attached to the poll book; another statement as last aforesaid shall be enclosed in an envelope, properly endorsed and marked by such judges, and the same shall, by one of such judges, be addressed and carried to the office of the chairman of the central committee or managing committee of such political party, who filed the call or application for primaries, and the receipt of such chairman shall be taken therefor. Another statement shall be enclosed in an envelope, which shall then be securely sealed, and each of the judges shall write his name across every fold at which the envelope, if unfastened, could be opened. On the outside of such envelope shall appear substantially the following words:

"Statement of all Republican (or Democratic) votes cast at the  
 .....primary district of the.....ward of the town of  
 .....county of.....on the.....day of.....  
 A. D. 19...."

The envelope last aforesaid shall be addressed to the person, officer, board or board of election commissioners, by the general election law charged with the duty of receiving and preserving election returns, and one of the judges shall carry the same to such person, officer or board, as the case may be, and take a receipt for the same.

§ 95. The judges of election of each primary district shall issue a certificate of election to each person who has received a plurality of all the votes cast for delegates to any particular convention from such primary district, and they shall deliver the same to the person entitled thereto. In case two or more persons each receive the same and the highest number of votes cast for delegates to the convention, then the judges of election shall then and there decide by lot which person or persons shall be entitled to such certificate, and they shall issue to each such person so chosen such certificate, and make a note of such fact upon the statements provided for in this act. Such certificate of election shall be evidence *prima facie* of the right of the



person therein named to a seat in the convention therein named. The conventions shall be held at the times as hereinafter provided, as follows, to-wit: The county convention and the sanitary district convention, and whenever there are city officers to be elected at the fall election, said city convention shall be held on the Monday immediately following said primary election day. The Senatorial convention shall be held on the Tuesday immediately following said primary election day. The Congressional convention shall be held on the Wednesday immediately following said primary election day. The city convention shall be held on the Monday immediately following said primary election day. The ward and town conventions on the Tuesday immediately following said primary election day.

§ 96. When a vacancy shall occur in any elective office, and a special election shall become necessary to fill the same, the managing committee of the several political parties for the territorial area in which such vacancy occurs, shall nominate the candidate or candidates for the respective parties.

§ 97. Any person who shall wilfully, corruptly and falsely swear or affirm in taking any oath or affirmation prescribed by or upon any examination provided for in this act, and every person who shall wilfully and corruptly instigate, advise, induce or procure any person to swear or affirm falsely [as] aforesaid, or attempt or offer so to do, shall be guilty of perjury, or subornation of perjury, as the case may be, and shall, upon conviction thereof, suffer the punishment directed by law in cases of wilful and corrupt perjury.

§ 98. If any judge or clerk shall neglect or refuse to canvass the votes at the time and in the manner provided for in this act, or refuse to make the returns required in this act, he shall, upon conviction thereof be adjudged guilty of a misdemeanor under this act.

§ 99. Every judge of election, clerk or other officer or person authorized to take part in or perform any duty in relation to any canvass or official statement of the votes cast at such election in any district, who shall wilfully make any false canvass of such votes, or who shall make, enter, write, sign, publish or deliver any false return of such election, or any false statement of the result of such election, or any material writing incidental to such election, knowing the same to be false, shall, on conviction thereof, be adjudged guilty of a felony under this act.

§ 100. If any person acting as a judge at such primary election shall wilfully, fraudulently and without lawful excuse refuse to make out, sign or deliver to the person entitled thereto any certificate of election as delegate or alternate delegate, provided for in this act, or shall wilfully and fraudulently make out, sign and issue such certificate of election to any person not entitled thereto, or shall issue such certificate of election to any person at any time in advance of the official count of the votes at such polling place, or shall commit any other wilful or fraudulent act with reference to such certificate, such person shall, upon conviction thereof, be adjudged guilty of a felony under this act.

§ 101. If any judge of a primary election shall, without urgent necessity, absent himself from the polling place during election, whereby less than a majority of all the judges of such election district shall be present during such hours of election or canvass of ballots; or if at any election any judge of election or clerk, shall, knowingly and wilfully, receive any vote, or proceed with the canvass of ballots, or shall consent thereto, unless a majority of the judges of election are present and concur, such judge or clerk shall be guilty of a misdemeanor under this act.

§ 102. Any judge of election who shall wilfully exclude any vote duly tendered and unchallenged, knowing that the person offering the same is lawfully entitled to vote at such election, or who shall wilfully receive a vote from any person who has been duly challenged in relation to his right to vote at such election, without exacting from such person such oath or other proof of qualifications as may be required by law, shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this act.

§ 103. If any judge of election shall knowingly and wilfully cause or permit any ballot or ballots, or semblance thereof, to be in the ballot box at the opening of the polls and before voting begins, or shall knowingly, wilfully and fraudulently put, or permit to be put, any ballot or other paper having the semblance thereof, into any such box at any such election; or if any person other than a judge of election, shall at any such election wilfully and fraudulently put, or cause to be put, any ballot or ballots, or other paper having the semblance thereof, into any box used at such election for the reception of votes; or if any person shall at such election fraudulently change or alter the ballot of any elector or substitute one ballot for another; or if any such judge of election or other officer or person shall fraudulently, during the canvass of ballots, in any manner change, substitute or alter any ballot taken from the ballot box then being canvassed, or from any ballot box which has not been canvassed; every such judge or person shall, upon conviction thereof, be adjudged guilty of a felony under this act.

§ 104. If any judge of election, clerk or other officer of election, of whom any duty is required in this act or by the general laws of this State, for the omission of which duty no punishment is provided, shall be guilty of any wilful neglect of such duty or of any corrupt or fraudulent conduct or practice in the execution of the same, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this act.

§ 105. Any person or member of a board, or any judge of election, clerk or other officer, who is guilty of stealing, wilfully and wrongfully breaking, destroying, mutilating, defacing, falsifying or unlawfully removing or secreting or detaining the whole or any part of any ballot box or receptacle for ballots, or any record, registry of voters, or copy thereof, oath, return or statement of votes, certificate, poll list, or of any paper or document provided for in this act:

Or who shall fraudulently make any entry, erasure, or alteration therein, except as allowed and directed by the provisions of this act, or who permits any other person so to do, shall, upon conviction thereof, be adjudged guilty of a felony under this act.

Every person who advises, procures or abets the commission of any of the acts mentioned in the last preceding two paragraphs, shall, upon conviction thereof, be adjudged guilty of a felony under this act.

§ 106. If any person knowingly or wilfully shall obstruct, hinder or assault, or by bribery, solicitation or otherwise interfere with any judge of election, clerk or challenger, in the performance of any duty required of him or which he may be by law authorized or permitted to perform;

Or if any person, by any of the means before mentioned or otherwise unlawfully shall, on the day of election, hinder or prevent any judge of primary election, clerk or challenger, in his free attendance and presence at the place of election in the primary election district in and for which he is appointed or designed [designated] to serve:

Or in his full and free access and egress to and from any such place of election;

Or shall molest, interfere with, remove or eject from any such place of election any such judge of election, clerk or challenger, except as otherwise provided in this act, or shall unlawfully threaten, or attempt or offer so to do;

Every such person shall be deemed guilty of a misdemeanor under this act.

§ 107. If any person shall wilfully disobey any lawful command of any judge of election, given in the execution of his duty as such, at any such primary election, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this act.

§ 108. If, on any day of primary election, or during the canvass of the votes cast thereat, any person shall cause any breach of the peace or be guilty of any disorderly violence, or threats of violence whereby any such election or canvass shall be impeded or hindered, or whereby the lawful proceedings of any judge of election or clerk, or other officer of such election or challenger, are interfered with, or causes intoxicating liquors to be brought or sent to the polling place, every such person shall, upon conviction thereof, be guilty of a misdemeanor under this act.

§ 109. Any person who votes with a certain party at such primary election, when he knows he is not qualified so to vote under the provisions of this act, shall upon conviction thereof, be deemed guilty of a misdemeanor under this act.

§ 110. If any person who shall have been convicted of bribery, felony or other infamous crime under the laws of any state, and who has never received a pardon for such offense from the officer or board entitled to grant such pardon, shall thereafter vote, or offer to vote, at

any primary election in such city, village or incorporated town, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this act.

§ 111. If any person, knowing that he is not qualified to vote at such primary election, takes a place in any line of voters waiting to vote at any election, or if any person, after having voted at such election, takes a place in such waiting line, or if any person repeatedly takes a place in such waiting line without voting when the opportunity comes, and who systematically gives up his place in such waiting line, such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this act.

§ 112. If at any such election, any person shall falsely personate any elector legally qualified to vote at such primary election, and vote, or attempt or offer to vote, in or upon the name of such elector or other person, living or dead; or shall knowingly, wilfully or fraudulently vote, or attempt or offer to vote more than once, or vote in more than one primary district; or shall by force, threat, menace, intimidation, bribery or reward, or offer or promise thereof, or otherwise unlawfully, either directly or indirectly, influence or attempt to influence any elector in giving his vote;

Or shall unlawfully prevent or hinder, or unlawfully attempt to prevent or hinder, any qualified voter from freely exercising the right of suffrage;

Or shall, by any such unlawful means, compel or induce, or attempt to compel or induce, any judge of election or other officer to receive the vote of any person not legally qualified or entitled to vote at the said election;

Or by any such means, or other unlawful means, wilfully, knowingly or fraudulently counsel, advise, induce, or attempt to induce, any judge of election or other officer of election, whose duty it is to ascertain, proclaim, announce or declare the result of any such election, to give or make any false certificate, document, report, return or other false evidence in relation thereto, or to refuse to comply with his duty, as specially provided for in this act, or to refuse to receive the vote of any person entitled to vote therein;

Or shall aid, counsel, advise, procure or assist any legally qualified voter, person or judge of election, or other officer of election, to do any act by law forbidden, or in this act constituted an offense;

Every such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this act.

§ 113. If any person shall, at any such election, fraudulently furnish any elector with a ballot containing more than the proper number of names:

Or shall intentionally practice any fraud upon any elector to induce him to deposit a ballot as his vote, and to have the same thrown out and not counted, or to have the same counted for a person or candidate other than the person or candidate for whom such elector intended to vote; or otherwise defraud him of his vote; or if any person shall order or cause to be printed a bogus or partly bogus primary ticket, or a primary ticket of delegates or alternates without first



having secured the consent of each person named on such ticket to stand as delegate or alternate delegate for a specified convention on that particular ticket of names; or if any person causes to be brought or sent to the vicinity of a polling place such unauthorized tickets in order that they may be distributed;

Every such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this act.

§ 114. Any person who shall make, seek or obtain for himself or another a false certificate of election as delegate or alternate delegate to any convention, knowing that he or such other person is not entitled thereto, and any person who shall use, or attempt to use, such certificates of election, knowing the same to be false or fraudulent, or to have been issued for another person; and any person who shall fraudulently, knowingly and [and] without right, act as a delegate or alternate delegate to any such convention shall, upon conviction thereof, be adjudged guilty of a felony under this act.

§ 115. If any person shall commit any act prohibited herein, or refrain from doing any act or duty required to be done herein, and if any person shall in any manner be guilty of a violation of this act whether the same is denominated an offense or not, and for which no punishment is herein specially provided, such person shall, upon conviction thereof, be adjudged guilty of a misdemeanor under this act.

§ 116. Any person adjudged guilty of an offense denominated a misdemeanor under this act shall be fined not less than twenty-five dollars (\$25) nor more than one thousand dollars (\$1,000), or shall be imprisoned in the county jail not less than one month nor more than two years, or any such person may be punished by both such fine and imprisonment.

Any person adjudged guilty of an offense denominated a felony in this act shall be punished by imprisonment in the penitentiary for not less than one year nor more than five years.

§ 117. The word "householder," as used in this act, shall mean the chief or head of a family, who resides with a family as a family, and who supports and provides for such family as an independent family.

§ 118. In all prosecutions and in all contests under this act it shall be the lawful duty of the clerk of the county, or of the board of election commissioners, or other officers having the custody thereof, to produce, open, exhibit and offer in evidence any notice, ballot book, registry book, bundle of ballots, returns, statements, or other documents or papers relating to the particular prosecution or contest for the purpose of enabling a full investigation.

§ 119. Irregularities or defects in the mode of calling, noticing, convening, holding or conducting any primary election authorized by law shall constitute no defense to a prosecution for a violation of this act. When an offense shall be committed in relation to any primary election an indictment for such offense shall be sufficient, if it allege that such election was authorized by law, without stating the call or notice of election aforesaid, the names of the judges or clerks holding

such election. or the names of the persons voted for at such election. Judicial notice shall be taken of this act in any county, city, village or incorporated town to which this act shall apply and of the holding of any election thereunder on any primary election day.

The provisions of this act shall not apply to the holding of the primaries for the nomination of candidates to be elected at any of the elections to be held in the year 1905. Such primaries may be held under the present primary law or such nominations may be made by the central or managing committees of the respective political parties.

§ 120. All laws or parts of laws in conflict herewith are hereby repealed.

APPROVED May 18, 1905.

## FEES AND SALARIES.

### COUNTY SUPERINTENDENT OF SCHOOLS—SALARY.

§ 1. Amends section 27, act of 1872.

Approved May 16, 1905.

§ 27. Salary of county superintendents fixed—additional compensation authorized—duties of Auditor.

*AN ACT to amend section 27 of an act entitled, "An act concerning fees and salaries and to classify the several counties of this State with reference thereto, approved March 29, 1872, in force July 1, 1872, title as amended by act approved March 28, 1874, in force July 1, 1874.*

**SECTION 1.** *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 27 of an act entitled, "An act concerning fees and salaries and to classify the counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872, title as amended by act approved March 28, 1874, in force July 1, 1874, be, and the same is hereby amended so as to read as follows:

§ 27. County superintendents elected hereafter shall receive in full for all services rendered by them, in counties of the first class, twelve hundred and fifty dollars per annum; in counties of the second class, sixteen hundred and fifty dollars per annum; in counties of the third class, seventy-five hundred dollars per annum; payable quarterly from the State school fund: *Provided, however,* that the board of supervisors or board of county commissioners may allow additional compensation for such services, payable quarterly from the county treasury. The Auditor in making his warrant to any county for the amount due it from the State school fund, shall deduct from it, the several amounts for which warrants have been issued to the county superintendent of said county, since the next preceding apportionment of the State school fund.

APPROVED May 16, 1905.

## FEES IN COUNTIES OF THIRD CLASS.

§ 1. Sheriffs' fees fixed.

§ 4. Sheriff and Recorder's fees to be paid in advance.

§ 2. Fees of recorder fixed.

§ 5. Repeal.

§ 3. Fees of county clerks fixed.

Approved May 16, 1905.

*AN ACT to provide for the fees of certain officers therein named in counties of the third class, to wit: Sheriff, recorder and county clerk.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the officers herein named, in counties of the third class, shall be entitled to receive the fees herein specified, for the services mentioned and such other fees as may be provided by law for such other services not herein designated.

## FEES FOR SHERIFF.

For serving a writ of summons on each defendant, one dollar.

For serving chancery summons and all other process served by copy, on each defendant, one dollar and twenty-five cents.

For serving a subpoena, on each witness, one dollar.

For executing each capias, two dollars.

For serving each garnishee, one dollar.

For serving writ of *scire facias* to revive a judgment, foreclose a mortgage or against bail, on each defendant, one dollar.

For summoning each juror, fifty cents.

For serving each writ of replevin, one dollar.

For serving a writ of attachment, on each defendant, one dollar.

For serving writ of possession, restitution, assistance or ejectment, without aid, two dollars, and when aid is necessary, the sheriff shall be allowed to tax in addition the actual costs thereof.

For serving notice of execution and copy, one dollar and twenty-five cents.

For levying an execution or a writ of attachment, two dollars.

For executing order of court to seize personal property, two dollars.

For making certificate of levy on real estate and filing or recording same, one dollar, and the fee for filing or recording shall be advanced by plaintiff in attachment or execution and taxed as costs.

For taking possession of or removing property levied on, the sheriff shall be allowed to tax the necessary actual costs of such possession or removal.

For advertising property for sale, one dollar.

For making certificate of sale and making and filing duplicate for record, one dollar, and the fees for recording same shall be advanced by the plaintiff and taxed as costs.

For preparing, executing and acknowledging deed on redemption from master's sale of real estate, five dollars; for preparing, executing and acknowledging all other deeds on sale of real estate, two dollars.

For making and filing certificate of redemption, one dollar and fifty cents, and the fee for recording same shall be advanced by party making the redemption and taxed as costs.

For making and filing certificate of redemption from a master's sale, two dollars and fifty cents, and the fee for recording same shall be advanced by the party making the redemption and taxed as costs.

For taking all bonds on legal process, seventy-five cents.

For taking special bail, seventy-five cents.

For returning each writ or process, fifty cents.

Mileage for service of all process, five cents per mile each way, necessarily traveled in making such service, computed from the place of holding court.

For attending before a judge with a prisoner on writ of *habeas corpus*, two dollars per day.

For executing writ of *ad quod damnum*, attending the inquest and returning the writ with the verdict of the jury, two dollars.

For executing requisitions from other states, five dollars.

For conveying each prisoner from his own county to the jail of a foreign county, per mile for going only, twenty-five cents.

For committing to or discharging each prisoner from jail, fifty cents.

For dieting each prisoner, such compensation to cover actual costs as may be fixed by the county board, but such compensation shall not be considered a part of the fees of the office.

For committing each prisoner to jail under the laws of the United States, to be paid by the marshal or other person requiring his confinement, fifty cents.

For dieting such prisoners per day, thirty-five cents, to be paid by the marshal or other person requiring his confinement.

For discharging such prisoners, fifty cents.

For conveying convicts to the penitentiary or reform school the following fees, payable out of the State treasury, viz: When but one convict is conveyed, twenty-five cents per mile, in going only, to the penitentiary or reform school from the place of conviction; when two convicts are conveyed at the same time, twenty-five cents per mile for the first and fifteen cents per mile for the second convict; when more than two convicts are conveyed at the same time to the penitentiary or reform school as aforesaid, the sheriff shall be allowed twenty-five cents per mile for the first, fifteen cents per mile for the second, and ten cents per mile for each additional convict.

In addition to the above fees, there shall be allowed to the sheriff a commission of three per centum on all sales of real and personal estate which shall be made by virtue of any execution or any decree of a court of chancery, where the money arising from such sales shall not exceed two hundred dollars, and in all cases where the amount of such sale shall exceed \$200, three per centum on the first \$200 and  $1\frac{1}{2}$  per cent on the balance shall be allowed: *Provided*, that in all cases where the execution shall be settled by the parties, replevied, stopped by injunction or paid, or where the property levied upon shall not be actually sold, the sheriff shall be allowed his fee for levying and mileage, together with half the commission on all money collected by him which he would be entitled to if the same was made by sale on execution.



## FEES OF RECORDER OF DEEDS.

§ 2. For recording any deed or other instrument in writing, for every one hundred words, ten cents, and twenty-five cents for the certificate of the recorder of the time of filing the deed or instrument for record, and the book and page of the record.

For recording maps or plats of additions, subdivisions or otherwise, for each tract, parcel or lot contained therein, ten cents, and twenty-five cents for the certificate of the time of filing the same for record, and the book and page of the record thereof.

For certified copies of records, the same fees as herein allowed for recording.

## FEES OF COUNTY CLERKS.

§ 3. For each license and taking bond for ferry, toll-bridge, turnpike road, tavern, saloon, grocery or peddler, two dollars.

For issuing each marriage license, sealing, filing and recording the same, and the certificate thereto (one charge), one dollar and fifty cents.

For each copy of rates for ferry, toll-bridge or turnpike road, twenty-five cents.

For taking and certifying to the acknowledgment of a deed, power of attorney, or other writing, and sealing the same, twenty-five cents.

For filing certificate in case of estrays, entering the same and furnishing notices for publication thereof, (one charge), seventy-five cents.

For recording all papers and documents required by law to be recorded in the office of the county clerk, for every one hundred words, ten cents.

For swearing any person to an affidavit, not to be used in a case in the court of which he is a clerk, with certificate and seal, twenty-five cents.

For certificate and seal, not in a case in a court whereof he is clerk, twenty-five cents.

For making and certifying a copy of any paper or record in his office, for every one hundred words, ten cents.

For filing papers in his office, for each paper filed, ten cents.

For making transcript of taxable property for the assessors, three cents for each tract of land or town lot, and for extending other than State and county taxes, three cents for each tax on each tract or lot, and each person's personal tax, to be paid by the authority for whose benefit the transcript is made and the taxes extended, and it shall be the duty of the county clerk to certify to the county collector the amount due from each authority, and the collector, in his settlement with such authority, shall reserve such amount from the amount due and payable by him to such authority.

The following fees shall be allowed for services in matters of taxes and assessments, and shall be charged as costs against the delinquent property, and collected with the taxes thereon.

For entering judgment for each tract or lot, three cents.

For services in attending the tax sales, and issuing certificates of sales, and sealing the same, for each tract or lot, twenty-five cents.

For canceling certificates of sale for each tract or lot, twenty-five cents.

For certificate of deposit for redemption, seventy-five cents, and for furnishing estimate of cost of redemption (when deposit for redemption is not made at the time of furnishing estimate) twenty-five cents.

For noting on collectors' warrants tax sales subject to redemption, for each tract or lot of land, ten cents, said fee of ten cents to be paid by either the person making redemption from tax sale, the person surrendering certificate of sale for cancellation, or the person taking out tax deed.

§ 4. The sheriff and recorder of deeds shall, in all cases, be entitled to demand the payment of all fees for services in advance, so far as the same can be ascertained.

§ 5. All acts and parts of acts in conflict with this act, are hereby repealed.

APPROVED May 16, 1905.

#### FEES OF CIRCUIT CLERKS.

§ 1. Amends section 14, act of 1874.

Approved May 16, 1905.

§ 14. Fees of circuit clerks fixed for counties of first and second classes.

AN ACT entitled, "*An act to amend section fourteen (14) of an act entitled, 'An act concerning fees and salaries and to classify the several counties of this State with reference thereto,' approved March 29, 1872, and acts amendatory thereto; title as amended by act approved March 28, 1874, in force July 1, 1874.*"

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly: That section fourteen (14) of an act entitled, "An act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872, and acts amendatory thereto: title as amended by act approved March 28, 1874, in force July 1, 1874, be and the same is hereby amended to read as follows:*

§ 14. The fees of the clerk of the circuit court in counties of the first and second class shall be as follows:

First. For all cases of *narr* and *cognovit*, for judgment to be entered in vacation, or in term time, in counties of the first class, \$4.50.

Second. In counties of the second class, \$4.00.

Third. In transcripts from a justice of the peace, or courts of record, or in cases of change of venue, in cases of appeal to said courts in both first and second class counties, \$4.00.

Fourth. In transcripts of judgment from justices of the peace, or courts of record, for the purpose of creating a lien, in counties of the first and second class, including one execution, \$3.00.

Fifth. In cases of proceedings for the exercise of eminent domain, the petitioner or petitioners shall pay the said clerk the sum of, in counties of the first class, \$20.

Sixth. In counties of the second class, \$16.

Seventh. In all other cases in common law, in counties of the first class, \$6.00.

Eighth. In counties of the second class, \$5.00.

Ninth. In actions of chancery, in all divorce cases, in counties of the first class, \$6.00.

Tenth. In counties of the second class, \$5.00.

Eleventh. In partition cases, in counties of the first class, \$15.

Twelfth. In counties of the second class, \$12.

Thirteenth. In cases to foreclose mortgages, in counties of the first class, \$10.

Fourteenth. In counties of the second class, \$9.00.

Fifteenth. In all other chancery cases, in counties of the first class, \$9.

Sixteenth. In counties of the second class, \$8.00.

Seventeenth. In all criminal cases, in counties of the first class, \$6.

Eighteenth. In counties of the second class, \$5.00.

Nineteenth. For all executions, issued either as alias or pluries, \$1. "For issuing each writ of habeas corpus, certiorari, or procedendo, in counties of the first class forty cents; in counties of the second class, twenty-five cents."

Twentieth. For each appearance of the defendant or defendants, respondent or respondents, appellee or appellees, to the clerk in all cases in counties of the first and second class, \$1.00: *Provided*, that no fee shall be required when appearance is entered by guardian *ad litem* for minor defendants; which sums shall in like manner be in full for all services rendered or to be rendered by the clerk for, or on behalf of the defendant or defendants, respondent or respondents, appellee or appellees, in or during the progress of such suit to the final termination thereof: *Provided*, for making up a complete record of proceedings and judgments, or transcript for change of venue, when directed by the court, for every one hundred words, in counties of the first class, 15 cents. In counties of the second class, 10 cents.

In all cases except in criminal cases, wherein the same are dismissed or settled without trial at the term to which process is made returnable, one-half the fees provided in the foregoing shall be allowed.

For taking depositions when requested and certifying to and sealing the same, for every one hundred words, in counties of the first class, 15 cents; in counties of the second class, 12 cents.

For swearing persons to declaration of intention to become a citizen, and filing the same, in counties of the first and second class, 25 cents.

For copy of the same with certificate and seal, in all counties of first and second class, 25 cents.

For making entry of record or (of) naturalization and for a copy thereof, or either, in all counties of first and second class, 50 cents.

For taking acknowledgement of deed or other instrument of writing with seal, in counties of first and second class, 25 cents.

For recording any deed or other instrument in writing, for every one hundred words, in counties of first class, 10 cents; in counties of second class, 8 cents, and a certificate to be made by the recorder of the recording of a deed or other writing and the date of recording the same, signed by the clerk, shall be deemed sufficient evidence of the recording thereof, and for which, including indexing said instrument, there shall be charged a fee of 25 cents in all counties of first and second class.

For copies of records, the same fees as for recording.

For entering each tract in entry book of conveyance, in counties of first class, 10 cents; in counties of second class, 5 cents.

For recording every city, town or assessor's plat, each lot or tract of land included in said plat, in counties of first class, 10 cents; in counties of second class, 8 cents, when the number of lots does not exceed twenty, and for each additional lot, 5 cents.

For entering each tract of land or town lot named in any one deed, above five, in the entry book, 5 cents in first and second class.

For attestation on margin of record, of releases and assignments of all instruments and indexing the same as regular releases are now indexed in the book kept for that purpose, 25 cents: *Provided*, that any poor person shall be allowed to commence suit without the payment of costs, by filing an affidavit that he is a poor person and unable to pay costs.

APPROVED May 16, 1905.

#### FEES OF RECORDER AND SHERIFF.

§ 1. Amends sections 17 and 19, act of 1874.

§ 17. Recorder's fees fixed.

§ 19. Fees of sheriffs in counties of first and second classes fixed.

Approved May 16, 1905.

AN ACT to amend sections 17 and 19 of an act entitled, "An act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872; title as amended by act approved March 28, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 17 and 19 of an act entitled "An act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved



March 29, 1872, in force July 1, 1872, title as amended by act approved March 28, 1874, in force July 1, 1874, be and the same hereby are amended to read as follows:

§ 17. For recording any deed or other instrument in writing, for every one hundred words, in counties of third class, ten cents, and the sum of twenty-five cents for the certificate of the recorder of the time of filing the deed or instrument for record, and the book and page of the record thereof.

For recording maps or plats of additions, divisions, subdivisions, or otherwise, for each tract or lot contained therein, ten cents, and twenty-five cents for certificate of the time of filing the same for record, and the book and page of the record thereof.

For copies of records, the same fees as for recording.

§ 19. The fees of sheriffs in counties of the first and second class shall be as follows:

For serving a writ or summons on each defendant, in counties of the first class, seventy-five cents; in counties of the second class, sixty-five cents.

For serving chancery summons and copy, or writ of injunction and copy, in counties of first class, one dollar; second class, seventy-five cents.

For taking special bail, twenty-five cents in each county.

For serving a subpoena on each witness, in counties of first class, fifty cents; second class, thirty-five cents.

For advertising property for sale, seventy-five cents.

For returning each writ or other process, ten cents. Mileage for each mile of necessary travel to serve any such writ or process as aforesaid, calculating from the place of holding the court to the place of residence of the defendant or witness, five cents each way.

For summoning each juror, in counties of first class, fifty cents; second class, thirty cents, with five cents mileage each way in all counties.

For serving notice of executions, or levying an execution or serving an attachment, in counties of first class, seventy-five cents; in second class, sixty-five cents, and mileage five cents each way in all counties.

For taking possession of and removing property levied on, the officer shall be allowed to tax the actual costs of such possession or removal.

For serving and returning a *scire facias* to revive a judgment, foreclose a mortgage, or against bail, in counties of first class, seventy-five cents; in second class, sixty-five cents.

For committing each prisoner to jail, in counties of first class, fifty cents; second class, fifty cents.

For discharging each prisoner from jail, in counties of first and second class, fifty cents.

For dieting each prisoner, such compensation to cover the actual costs as may be fixed by the county board, but such compensation shall not be considered a part of the fees of the office.

For attending before a judge with a prisoner, on a writ of *habeas corpus* in counties of first and second class, two dollars and fifty cents per day.

For each mile of necessary travel in taking such prisoner before the judge as aforesaid, five cents each way.

For serving a writ of possession, with the aid of *posse comitatus*, two dollars.

For serving same, without such aid, one dollar, mileage in either case for each mile of necessary travel, five cents each way.

For executing a writ of *ad quod damnum*, attending the inquest and returning the writ with the verdict of the jury, two dollars.

For attending the circuit and county courts, to be allowed and paid out of the county treasury, three dollars per day, and two dollars per day when attending county court, sitting for probate business, at request of the judge, the time to be certified to by the judge.

For executing and acknowledging a deed on sale of real estate, in counties of first-class one dollar and fifty cents; second class, one dollar and twenty-five cents.

For making certificate of sale, and making and filing duplicate, in counties of first class, for each, sixty cents; second class, fifty cents.

For making certificate of redemption, seventy-five cents.

For certificate of levy and filing, fifty cents, and the fee for recording shall be advanced by plaintiff in execution and charged up as costs.

For taking all bonds on legal process, in counties of first class, seventy cents; second class, sixty-five cents.

For executing *capias* in criminal cause, where the offense is infamous, three dollars, and mileage for each mile of necessary travel, five cents each way.

For executing *capias* where offense is not infamous, in counties of first class, seventy-five cents; second class, sixty-five cents. Mileage for each mile of necessary travel, five cents each way.

For executing requisitions from other states, the same compensation as in executing *capias* in criminal causes, when the offense is infamous.

For conveying each prisoner from his own county to the jail of a foreign county, per mile, for going only, twenty-five cents.

For committing each prisoner to jail under the laws of the United States, to be paid by the marshal or other person requiring his confinement, fifty cents in all counties.

For dieting such prisoner, per day, in counties of the first class, seventy-five cents; in second class, sixty-five cents, to be paid by the marshal or other person requiring his confinement.

For discharging such prisoner, in counties of first and second class, fifty cents.

For carrying convicts to the penitentiary or the reform school, from any county, the following fees, payable out of the State treasury, viz: Where only one convict is conveyed, at and after the rate of twenty-five cents for each and every mile necessarily traveled in going to the penitentiary or the reform school, from the place of conviction.

Where two convicts are conveyed by the said sheriff at the same time, he shall receive at and after the rate of twenty-five cents per mile for first, and fifteen cents per mile for the second convict. Where more than two are conveyed at the same time to the penitentiary or reform school as aforesaid, he shall be allowed twenty-five cents per mile for the first, fifteen cents per mile for the second, and ten cents per mile for each of the residue.

For conveying any person to or from any of the charitable institutions of the State, when properly committed by some competent authority, twenty-five cents per mile.

For conveying a convict from the penitentiary to the county jail, when required by law, thirty cents per mile.

For attending Supreme Court, three dollars per day.

In addition to the above fees, there shall be allowed to the sheriffs in counties of the first and second class a commission of three per centum on all sales of real and personal estate which shall be made by virtue of any execution, or any decree of a court of chancery, where the money arising from such sales shall not exceed two hundred dollars; but in all cases where the amount of such sale shall exceed that sum, then one and one-half per cent. commission on the excess only shall be allowed: *Provided*, that in all cases where the execution shall be settled by the parties, replevied, stopped by injunction or paid, or where the property levied upon shall not be actually sold, the sheriff shall be allowed his fee for levying and mileage, together with half the commission on all money collected by him which he would be entitled to if the same was made by sale on execution; and no other fees or compensation whatever shall be allowed on any execution, except the necessary expenses for keeping personal property, to be ascertained and allowed by the court out of which the same shall be issued. In all criminal cases where the defendant shall be acquitted or otherwise legally discharged, without payment of costs, the sheriff shall be paid such fees from the county treasury: *Provided*, that no such fees shall be paid to the sheriff from the county treasury when the fees collected by him during such year shall equal the compensation or salary allowed him by the county board: *And, provided, further*, that no more of such fees shall in any case be paid from the county treasury than shall be sufficient, with the fees collected; to make the salary or compensation of said sheriff. In all cases where any of the sheriffs of this State shall be required by law to execute any sentence of punishment other than imprisonment, for which no fee is allowed by this act, it shall be the duty of the county board of the proper county to allow a reasonable compensation for the same, to be paid out of the county treasury, not exceeding one hundred dollars. It shall be the duty of each sheriff entitled to mileage under this act, to indorse on each writ, summons, subpoena or other process that he may execute, the distance he may travel to execute the same, ascertaining the distance and the charge properly allowable therefor, in conformity with the foregoing regulations.

APPROVED May 16, 1905.

## FEES OF WITNESSES.

§ 1. Amends section 47, act of 1887.

Approved May 13, 1905.

§ 47. Witness fees in courts of record—  
affidavit of attendance—wit-  
nesses before grand jury.

AN ACT to amend an act entitled, "*An act concerning fees and salaries, and to classify the several counties of this State with reference thereto,*" approved March 29, 1872, in force July 1, 1872; as amended by act approved June 16, 1887, in force July 1, 1887.

## FEES OF WITNESSES.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 47 of an act entitled "*an act concerning fees and salaries, and to classify the several counties of this State with reference thereto;*" approved March 29, 1872, in force July 1, 1872, as amended by act approved June 16, 1887, in force July 1, 1887, be amended to read as follows:

SECTION 47. IN COURTS OF RECORD.] Every witness attending in his own county upon trials in the courts of record shall be entitled to receive the sum of one dollar for each day's attendance and five cents per mile each way for necessary travel. For attending in a foreign county, going and returning, accounting twenty miles for each day's travel, for each day one dollar. Every person attending for the purpose of having his deposition taken, one dollar, and the same mileage as provided in this section for witnesses in courts of record: *Provided*, no allowance or charge shall be made for the attendance of witnesses aforesaid unless the witness shall make affidavit of the number of days he or she actually attended, and that such attendance was at the instance of one or both of the parties or his attorney. In criminal cases where a witness shall be required to attend from a foreign county or state, either before the grand jury or at the trial of the cause in the court, he shall be allowed five cents per mile each way in full of all compensation, except the per diem for actual attendance upon such court or before such grand jury, which shall be one dollar per day for each day's necessary attendance to be paid out of the county treasury of the county where the crime was committed on the certificate of the clerk of the court where the trial is being had: *Provided*, he shall make affidavit of the distance traveled, that it was the usually traveled and most direct route, of the number of days' actual attendance, and that such attendance was at the instance of the State's attorney or the accused, or his attorney, to which shall be added the certificate of the judge that the amount is reasonable and that he was a material witness in the court or before the grand jury.

APPROVED May 13, 1905.



## SALARY OF JUDGES OF SUPREME COURT.

§ 1. Fixes salaries of judges.

Approved May 16, 1905.

§ 2. Repeal.

AN ACT entitled, "*An act to provide for and fix the salary of the judges of the Supreme Court.*"

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That there shall be allowed and paid to each of the judges of the Supreme Court who shall be elected at any election held subsequent to the year 1905, an annual salary of \$10,000, payable in quarter yearly installments out of the State treasury, on the warrant of the Auditor of Public Accounts from and out of any money not otherwise appropriated.

§ 2. Any and all laws in conflict with this act are hereby repealed.

APPROVED May 16, 1905.

## FISH AND GAME.

## PROPAGATION AND PROTECTION OF FISHES.

§ 1. Amends sections 4 and 7, act of 1897.

§ 7. Violations of act—penalty.

§ 4. Fish wardens and deputies—appointment—powers—duties—fees.

Approved May 16, 1905.

AN ACT to amend sections 4 and 7 of an act entitled, "*An act to encourage the propagation and cultivation and to secure the protection of fishes in all the waters under the jurisdiction of the State of Illinois,*" approved June 11, 1897, in force July 1, 1897, as amended by an act approved May 13, 1903, in force July 1, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 4 and 7 of an act entitled, "*An act to encourage the propagation and cultivation and to secure the protection of fishes in all the waters under the jurisdiction of the State of Illinois,*" approved June 11, 1897, in force July 1, 1897, as amended by an act approved May 13, 1903, in force July 1, 1903, be, and the same is, hereby amended to read as follows:

§ 4. The Governor, on the request of the fish commissioners, shall appoint five fish wardens, who shall be under the supervision of the fish commissioners, and whose duties it shall be to enforce all laws relating to fishes, arrest all violators thereof, and prosecute offenders against the same. They shall have power to serve process against such offenders, and shall have the power to arrest, without warrant, any person for violating any of the provisions of this act.

Each of said fish wardens shall receive a salary of nine hundred dollars per annum, to be paid out of the State treasury upon bills audited by the fish commissioners and approved by the Governor. And the Governor may also, upon the recommendation of the fish commissioners appoint one or more persons in each county in the State of Illinois deputy fish wardens whose duty it shall be to enforce the provisions of this act and who shall have the same powers and authority as fish wardens above provided for. Said deputy fish wardens shall receive for their compensation for serving process the same fees as are prescribed by law for similar services when performed by constables and they shall also be paid one-half of the fines which may be collected under the provisions of this act through the efforts of such deputy fish warden, from the funds in the hands of the State Treasurer received by the State Treasurer in accordance with the provisions of section 12 of this act upon the order of a majority of the board of fish commissioners approved by the Governor.

§ 7. Any person or persons who shall for the purpose of fishing with seine or net without the consent of the owner trespass upon the lands of another containing any fish pond or lake, whether natural or artificial or who shall for the purpose of fishing in any manner, without the consent of the owner, trespass upon the lands of another, containing any fish pond or lake, whether natural or artificial, when and where the waters of such pond or lake are not directly connected with any water course of this State shall be deemed guilty of a misdemeanor and on conviction shall be fined in any sum not less than twenty-five nor more than one hundred dollars and cost of suit, for the first offense and not less than fifty nor more than two hundred dollars for the second offense, and the same for each subsequent offense as for the second offense.

APPROVED May 16, 1905.

#### TRANSPORTATION OF FISH ILLEGALLY TAKEN.

§ 1. Adds a new section to act of 1897.

Approved May 13, 1905.

§ 18a. Transportation of fish illegally taken.

AN ACT entitled, "An act to amend an act entitled, 'An act to encourage the propagation and cultivation and to secure the protection of fishes in all the waters under the jurisdiction of the State of Illinois,' approved June 11, 1897, in force July 1, 1897, and acts amendatory thereof, by adding section 18a thereto."

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That an act entitled "An act to encourage the propagation and cultivation and to secure the protection of fishes in all the waters under the jurisdiction of the State of Illinois," approved June 11, 1897, in force July 1, 1897, and

all acts amendatory thereof, be and the same is hereby amended by adding thereto a new section, to be known as section 18a, to read as follows:

§ 18a. Any person or corporation, or any agent or servant of the latter, who shall, for compensation or otherwise, transport any fish caught in any waters within the State of Illinois with seine or net, or any other device except hook and line, of either or any of the varieties for which a closed season is prescribed by this act for catching with seine or net, during such closed season, shall forfeit not less than twenty-five dollars nor more than one hundred dollars for such violation, to be recovered in a civil action brought in the name of the People of the State of Illinois. The possession of any such fish for shipment or in transit, caught with net or seine during the season when it is unlawful, under the provisions of this act, to catch such fish with net or seine, shall be *prima facie* evidence of the violation of this section: *Provided*, that this section shall not apply to the transportation of fish into or through this State or out of it by the State Fish Commissioners, or by the commissioners of fisheries of other states or the United States: *Provided*, that there shall be five days after the close of the fishing season to dispose of and ship all fish caught previous to the close of said fishing season.

APPROVED May 13, 1905.

#### PROTECTION OF GAME.

§ 1. Amends several sections, act of 1903.

§ 1. When game may be killed and how—penalty.

§ 2. Having, selling and transporting game—when unlawful—penalty.

§ 6. Sale of game—taxidermists excepted—game from other states.

§ 16. State Game Commissioners—appointment—term of office—appointment of game wardens—deputy game wardens.

§ 18. Salary of commissioner—printing, stationery, etc.—compensation of game wardens—salary—expenses—State game protection fund.

§ 23. Annual report to Governor.

§ 25. Hunters' license provided for—license fees—how disposed of.

§ 32. Repeal.

Approved May 18, 1905.

AN ACT entitled, "*An act to amend sections one (1), two (2), six (6), sixteen (16), eighteen (18), twenty-three (23), twenty-five (25) and thirty-two (32) of an act entitled, 'An act for the protection of game, wild fowl and birds, and to repeal certain acts relating thereto,' approved April 28, 1903, in force July 1, 1903.*"

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly: That sections one (1), two (2), six (6), sixteen (16), eighteen (18), twenty-three (23), twenty-five (25) and thirty-two (32) of an act entitled "An act for the protection*

of game, wild fowl and birds, and to repeal certain acts relating thereto," approved April 28, 1903, in force July 1, 1903, be and the same are hereby amended to read as follows:

§ 1. It is hereby declared to be unlawful to hunt, kill, net, entrap, ensnare or destroy or attempt to hunt, kill, net, trap, ensnare or destroy or have in possession any quail between the 20th day of December and the 10th day of November of each succeeding year; or any ruffed grouse (partridge) or pinnated grouse (prairie chicken), for a period of four years from the date of the passage of this act; or any woodcock or mourning dove between the 1st day of December and the 1st day of August of each succeeding year, or any gray, red, fox or black squirrel between the 31st day of December and the 1st day of July of each succeeding year; or any jack snipe, Wilson snipe, sand snipe or any kind of snipe, or any golden plover, upland plover, or any kind of plover, between the 1st day of May and the 1st day of September of any year. And it shall be unlawful to kill, hunt, ensnare, entrap or attempt to kill, hunt, ensnare, entrap or otherwise destroy any wild goose, duck, brant or other water fowl at any time between the 15th day of April and the 1st day of September of any year. And it shall be unlawful to hunt, kill, entrap, ensnare or attempt to hunt, kill, entrap, ensnare or otherwise destroy any wild goose, duck, brant, rail or other water fowl between the sunset of any day and the sunrise of next succeeding day at any period of the year. And it shall be further unlawful at any time to hunt, kill, entrap, ensnare or attempt to hunt, kill, entrap or ensnare or otherwise destroy any wild goose, brant, duck or any other water fowl from any fixed or artificial ambush beyond the lines of natural covering of reeds, canes, willows, flags, crooked brush, wild rice or other vegetation above the water of any lake, river, bay or inlet, or other water course wholly within the State, or with the aid or use of any device commonly called sneak boat, sink box or other device for the purpose of concealment in the open waters of this State. And it shall further be unlawful to shoot, kill, or destroy or shoot at any wild goose, duck, brant or other water fowl with a swivel gun, or from any sail boat, gasoline or electric launch or steam boat, at any time in any part of the water of any lake, river, bay or inlet or other water course wholly within this State: *Provided*, that it shall be unlawful to kill, entrap, ensnare or otherwise destroy any of the ducks, geese or brant mentioned in this section at any time for market or other commercial purposes, nor more than thirty-five by one person in one day. Any person or persons so offending shall for each and every offense, be deemed guilty of a misdemeanor and on conviction shall be fined in any sum not less than fifteen dollars nor more than fifty dollars and costs of suit, and shall stand committed to the county jail until such fines and costs are paid: *Provided*, that such imprisonment shall not exceed ten days, and the killing of each bird or animal herein specified shall be deemed a separate offense.



§ 2. It shall be unlawful for any person to buy, sell or have in his possession any of the animals, wild fowl or birds mentioned in section 1 of this act, at any time when the killing, trapping, netting and ensnaring of such animals, wild fowl or birds shall be unlawful. And it shall further be unlawful for any person or persons at any time to sell or expose for sale, or to have in his or their possession for the purpose of selling, any quail, pinnated grouse, or prairie chicken, wild duck, goose or brant, ruffed grouse or partridge, grey, red, fox or black squirrel or wild turkey that shall have been caught, ensnared, entrapped or killed within the limits of this State. And it shall further be unlawful for any person, corporation or carrier to receive for transportation, to transport, carry or convey any of the aforesaid quail, pinnated grouse, or prairie chicken, ruffed grouse or partridge, squirrel, duck, goose, brant or wild turkey that shall have been caught, ensnared, entrapped or killed within the limits of this State, knowing the same has been sold, or to transport, carry or convey the same to any place where it is to be sold or offered for sale, or to any place outside of this State for any purpose except such person have a license from this State so to do. And any person guilty of violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each and every offense, and shall stand committed to the county jail not exceeding ten days or until such fine and costs are paid: *Provided*, that the selling, exposing for sale, having in possession for sale, transporting or carrying and conveying contrary to the provisions of this section, of each and every animal or bird forbidden herein, shall be deemed a separate offense.

§ 6. No person or persons shall sell or expose for sale, or have in his or their possession for the purpose of selling or exposing for sale, any of the animals, wild fowl or birds mentioned in section 1 of this act, after the expiration of five(5)days next succeeding the 1st day of the period in which it shall be unlawful to kill, entrap or ensnare such animals, wild fowl or birds; nor shall any such animal, wild fowl or birds be sold or offered for sale, during the first two days of the open season. Any person so offending shall, on conviction, be fined and dealt with as specified in section one (1) of this act, and selling or exposing for sale, or having the same in possession for the purpose of selling or exposing for sale, any of the animals or birds mentioned in this section, after the expiration of the time mentioned in this section, shall be *prima facie* evidence of the violation of this act: *Provided*, that the provisions of this section shall not apply to the killing of birds by or for the use of taxidermists, for preservation either in public or private collections, if so preserved: *Provided, further*, that nothing contained in this section shall be construed as modifying or being in conflict with section [2] of this act, or authorizing or legalizing the sale or exposing for sale, transportation or receiving for transportation, any of the animals, birds or game as therein prohibited: *And, provided, also*, that the inhabitants of this State may receive game

from other states, and expose and sell the same on the market between the first day of October and the first day of February of the following year.

§ 16. In order that the provisions of this act may be more fully carried out, the Governor of the State shall appoint one State Game Commissioner, whose term of office shall be for the period of incumbency of the Governor appointing him or until his successor is appointed, whose duty it shall be to secure the enforcement of all the statutes of the State for the preservation of game and birds, or bring or cause to be brought, actions and proceedings in the name of the People of the State of Illinois, to recover any and all fines and penalties provided for in such laws relating to game and birds, and to prosecute all violators of said statutes. The State Game Commissioner is empowered to appoint, by and with the approval of the Governor, ten game wardens, who shall have no other employment or business. They shall devote their entire time to the work of game protection and shall travel over the State in all seasons for this purpose, under the direction of the State Game Commissioner. Such appointments shall be for efficient service only, and regardless of political influence. The State Game Commissioner is also authorized to appoint one or more and not to exceed three deputy game wardens for each county of the State. They shall have authority with the State Game Commissioner in enforcement of the game laws of the State relative to game and birds throughout the State, and shall be immediately responsible to the State Game Commissioner and shall report to and receive their instructions from him. Such game wardens and deputy game wardens shall be subject to removal by the State Game Commissioner at any time.

§ 18. Such State Game commissioner shall receive a salary of twenty-five hundred dollars per year, and his actual expenses and disbursements while traveling in the line of his duties. He shall also be allowed such printing, stationery, postage, office rent, office furniture and supplies, clerical and other assistance, not to exceed ten employés, as is necessary to enable him to properly perform the duties of State Game Commissioner and carry out the provisions of this act. The game wardens provided for in this act shall receive nine hundred dollars per annum, payable monthly. In addition to the salary per annum provided for, such game wardens shall receive their actual and necessary expenses incurred while working under the direction of the State Game Commissioner.

The deputy game wardens appointed for any county shall receive a per diem, when actually employed, not exceeding two dollars per day and necessary traveling expenses, to be fixed by the State Game Commissioner. Such deputy game wardens shall also receive one-half of all fines recovered for violations of this act, in cases where they file the complaint; the remaining one-half of the fine to be paid into the State game protection fund. And in cases where the violator does not pay a fine, but is committed to jail, said deputy game wardens shall be reimbursed for their actual expenses; but such expenses shall not be paid in any case other than game cases or cases

relating to license. Should the State game protection fund become exhausted during any year, the State Game Commissioner shall have the power and authority to suspend any number or all game wardens or deputies until such fund is again replenished. Should at any time a surplus accumulate in the State game protection fund, over and above the amount necessary for the operating expenses of the department, the State Game Commissioner shall have the power and authority to use such surplus for the purchase and propagation of quail, prairie chicken and pheasant, for the purpose of restocking sections of the State in which there exists a scarcity of the above mentioned game birds, and for exterminating crows and hawks. All moneys used for the payment of salaries, expenses and other disbursements mentioned in this section, including the salary of the State Game Commissioner, shall be taken from and charged to the State game protection fund, upon vouchers therefor signed by said State Game Commissioner, approved by the Governor and filed with the Auditor of Public Accounts, who shall draw his warrant therefor on the State Treasurer: the State Treasurer to pay the same out of the State game protection fund.

§ 23. Said State Game Commissioner shall make an annual report to the Governor, which shall include the reports of the game wardens and deputy wardens, showing the number and kind of game, deer, wild fowl and birds seized, and what disposition was made of them, and the amount of proceeds of sale. Said reports shall also contain a statement of all moneys received from all sources and a statement of all disbursements of every kind.

§ 25. For the purpose of increasing the State game protection fund and preventing unauthorized persons from killing game and birds, no person or persons shall at any time hunt, pursue or kill, with gun, rabbits or any of the wild animals, fowl or birds that are protected during any part of the year, without first having procured a license so to do, and then only during the respective periods of the year when it shall be lawful. Said license shall be procured from any county, city or village clerk in the following manner, to-wit: The applicant shall fill out a blank application to be furnished by the State Game Commissioner through the clerk of each county, city or village, stating name, age, occupation and place of residence of applicant; said application shall be subscribed and sworn to by the applicant before said county, city or village clerk; and said applicant, if a non-resident of the State of Illinois, shall pay to the county clerk the sum of fifteen (15) dollars as a license fee, together with the sum of fifty (50) cents as the fee of said county clerk for administering the oath to the applicant and issuing said license; and if a resident of the State of Illinois, shall pay to the county, city or village clerk, the sum of seventy-five (75) cents as a license fee. Said license shall bear the signature of the State Game Commissioner and the seal of the county, city or village in which the same is issued, and be countersigned by the said clerk, and such licensee, if a non-resident, is hereby authorized to take from the State fifty (50) birds of all kind-killed by himself or herself, which shall be carried openly for inspec-



tion, together with his or her license. The number of game birds that may be killed in any one day by one person is hereby limited to thirty-five (35) ducks and twenty-five (25) game birds of any other one kind, except prairie chicken. The license fees above provided for shall be paid by the said clerk to the State Treasurer at the end of each month, and shall be placed to the credit of a fund to be known as the "State Game Protection Fund," and shall be disbursed by the State Treasurer on warrants signed by the State Game Commissioner, approved by the Governor, and filed with the Auditor of Public Accounts, who shall draw his warrant therefor on the State Treasurer. Every license issued shall be signed by the licensee in ink, and as aforesaid, shall entitle the person to whom issued to hunt, pursue and kill game within the State at any time when it shall be lawful to hunt, pursue and kill such game, and no person to whom a license has been issued shall be entitled to hunt, pursue or kill game or rabbits in this State without at the time of such hunting, pursuing and killing of game, he or she shall have such license in his or her name and possession, ready to exhibit the same for inspection, and such license shall be void after the 1st day of June next succeeding its issuance: *Provided*, that the owner or owners of farm lands, their children or tenants shall have the right to hunt and kill game on the farm lands of which he or they are the *bona fide* owners or tenants, during the season when it is lawful to kill game, without procuring such resident license. Any person found guilty of violating and [any] of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five (25) nor more than fifty (50) dollars for each and every offense, and shall stand committed to the county jail until such fine and costs are paid, but such imprisonment shall not exceed thirty days for each offense; or such person may be proceeded against in an action of debt in the name of the People of the State of Illinois, for the recovery of the penalty herein prescribed.

§ 32. An act entitled "An act to provide additional remedies for the protection of game, wild fowl and birds, and to amend, revise and consolidate the amended game law, approved June 1, 1889, in force July 1, 1889, and the game warden act, approved June 27, 1885, in force July 1, 1885, and the act to prohibit persons from hunting within the enclosure of others without leave, as amended by act approved June 17, 1891, in force July 1, 1891, approved April 24, 1899; and an act entitled "An act to amend section one (1) and section twenty-six (26) of an act entitled 'An act to provide additional remedies for the protection of game, wild fowl and birds: and to amend, revise and consolidate the amended game law,' approved June 1, 1889, and in force July 1, 1889, and the game warden act, approved June 27, 1885, in force July 1, 1885, and the act to prohibit persons from hunting within enclosures of others without leave, as amended by an act approved June 17, 1891, in force July 1, 1891, as amended by an act approved April 24, 1899, in force July 1, 1899," approved May 10, 1901, and all acts and parts of acts inconsistent herewith are hereby repealed.

APPROVED May 18, 1905.



## FORESTRY.

## FOREST PRESERVE DISTRICTS.

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| § 1. Petition for election—where filed—result of election—where recorded.<br>§ 2. District commissioners—appointment—term of office—corporate powers.<br>§ 3. Powers of commissioners—salary of president.<br>§ 4. Records to be kept.<br>§ 5. Ordinances—how proved. | § 6. Roads and driveways.<br>§ 7. Gifts and devises—borrowing money—indebtedness—bond—tax levy.<br>§ 8. Vacancies in office—how filled.<br>§ 9. Annexing contiguous territory.<br>§ 10. Duties of president.<br>Approved May 18, 1905. |
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*AN ACT to provide for the creation of forest preserve districts.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That whenever any area of contiguous territory contains within its boundaries one or more incorporated cities, towns or villages and lies wholly within the same or adjoining counties, such territory may be incorporated as a forest preserve district, in the following manner, to-wit:

Any one thousand (1,000) legal voters residing within the limits of such proposed district may petition the county judge of the county, or in case said proposed district lies in more than one county, then the county judges of all of said counties, to cause the question to be submitted to the legal voters of such proposed district whether they will organize as a forest preserve district under this act. Such petition shall be addressed to the county judge of the county or the county judges of the counties in which said territory is situated, and shall contain a definite and clear description of the territory intended to be embraced in such district, and the name of such proposed forest preserve district.

Upon the filing of such petition in the office of the county clerk of the county in which such territory is situated, it shall be the duty of the county judge to order an election to be held in said proposed district, and in ordering such election said judge shall proceed in the same manner as is provided in the act governing the organization of cities and villages in unincorporated territory: *Provided*, that when such proposed district shall embrace two or more counties or parts thereof a copy of such petition shall be filed in the office of the clerk of the county court of each of said counties and said petition shall particularly describe the territory lying within each of said counties and shall state the date upon which said election is desired to be held, not less than thirty (30) days after the filing of said petition, and the county judges of the different counties to whom said petition is presented shall order an election to be held upon the day so named in said petition: and the votes cast within that portion of the territory lying in each of said counties shall be returned to the county judge of the county in which said territory lies, and the same

proceedings shall be had as is required of the county judge in the organization of cities and villages in unincorporated territory: *And, provided, further*, that unless a majority of the votes cast in territory lying in each of said counties shall be in favor of the incorporation of said forest preserve district the same shall not be incorporated and the county judge of each of said counties shall cause a statement of the result of such election, held in that portion of the territory lying within his county, to be spread upon the records of the county court and shall also cause to be transmitted to the clerk or clerks of the county court or courts, of the other county or counties in which a part or parts of said proposed district shall lie, a copy of such record, which copy, when so received, shall be spread upon the records of the county court receiving the same as a return of the vote cast in said county; and if a majority of the votes cast in each part of said district, when the same lies partly within two or more counties, or a majority of the votes cast in said district where the same lies wholly within one county shall be in favor of the proposed forest preserve district, such proposed district shall thenceforth be deemed an organized forest preserve district under this act.

§ 2. All courts in this State shall take judicial notice of all forest preserve districts organized under this act. The affairs of such district shall be managed by a president and six (6) commissioners, not more than four of whom shall be members of the same political party, who, together with their successors, shall be appointed by the Governor. Upon the organization of any district under this act, the Governor shall appoint a president and six (6) commissioners, who shall be legal voters and reside within said district, who shall hold their office for a term of six (6) years from the date of said appointment, and until their successors are appointed and shall qualify: *Provided*, that of the six commissioners first appointed in any district organized under this act two of said commissioners shall be appointed for a term of two years only, when two new commissioners shall be appointed by the Governor to succeed the two whose term of office shall then expire; and the two so appointed shall hold their office for six (6) years and until their successors are appointed and shall qualify; two of the commissioners shall be appointed for a term of four (4) years only, when two new commissioners shall be appointed by the Governor to succeed the two whose term of office shall then expire, and the two so appointed shall hold their office for six (6) years and until their successors are appointed and shall qualify. The president and such commissioners, when so appointed, shall meet at some convenient place within said district, within two weeks after such appointment, and organize by electing a secretary and treasurer, and such other officers as they may deem necessary. The term of office of said officers shall not be longer than six (6) years, and they shall give such bond and perform such duties as shall be required of them by said board of commissioners; and such forest preserve district shall, from the time of the appointment of the first president and commissioners under this act, be construed in law and equity a body corpor-

ate and politic by the name and style of the Forest Preserve District of.....and by such name and style may sue and be sued, contract and be contracted with, acquire and hold real estate and personal property necessary for all corporate purposes, and adopt a corporate seal and alter the same at pleasure.

§ 3. The president and commissioners appointed in pursuance of the foregoing provisions of this act shall constitute a board of commissioners for said district, which board of commissioners is hereby declared to be the corporate authority of such forest preserve district, and shall have power to pass all necessary ordinances, rules and regulations for the proper management and conduct of the business of said board and of said corporation, and for carrying into effect the object for which such forest preserve district is formed; to appoint such officers as may be necessary, to define and prescribe their respective duties and authority and to fix the amount of their compensation. Said commissioners shall receive no compensation, and the president shall receive such salary as may be determined by the board of commissioners, not to exceed twenty-five hundred dollars (\$2,500) per annum.

§ 4. Said board of commissioners shall cause to be kept regular books of records of all ordinances and other proceedings of said board, which books shall be open to the inspection of any person residing in said district at all reasonable and proper times.

§ 5. All ordinances making any appropriation or imposing any fine or penalty shall within ten (10) days after their passage be published in some newspaper of general circulation published in said district designated by said board, and no such ordinance shall take effect until ten (10) days after it is so published. All other ordinances, orders and resolutions shall take effect from and after their passage unless otherwise provided. All ordinances, orders and resolutions and the date of the publication thereof, may be proved by the certificate of the secretary of said board under the seal of the corporation, and when printed in book or pamphlet form and purporting to be published by the board of commissioners, such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinances, orders and resolutions as of the dates mentioned in such book or pamphlet in all courts and places without further proof.

§ 6. The board of commissioners of any forest preserve district organized under this act shall have power to designate by ordinance the whole or any part of such streets, roads, avenues, boulevards and highways within the boundaries of said district as public driveways to be used for pleasure driving only and to improve and maintain the same; also to lay out, establish, open, alter, widen, extend, grade, pave or otherwise improve and maintain such streets, roads, avenues, boulevards or highways and to designate the same as pleasure driveways to be used for pleasure driving only: *Provided*, no such pleasure driveway shall fall within the territory embraced in any public park district organized under any law of this State. The corporate authorities of such forest preserve district may, by ordinance, regulate, re-



strain and control the speed of travel on such pleasure driveways and in such forest preserves, and in all things regulate, restrain and control the use of said forest preserves and pleasure driveways by the public or individuals and may exclude therefrom funeral processions, hearses and traffic teams and vehicles, so as to free the same from any and all business or objectionable travel, and may prescribe by ordinance such fines and penalties for the violation thereof as cities and villages are allowed by law to prescribe for the violation of ordinances: *Provided, further*, that any and all roads, highways, avenues, pleasure driveways, boulevards and parks lying wholly or in part within the corporate limits of any city, town or village situated within any forest preserve district organized under this act shall first, by ordinance of the corporate authorities of such city, town or village, be turned over and placed under the control of the board of commissioners of any such forest preserve district and be accepted by ordinance by said district. Power is also hereby conferred upon any forest preserve district organized under this act to lay out, extend, maintain and improve pleasure driveways under the provisions of any law of the State authorizing local improvements by cities or villages now or hereafter in force.

§ 7. Every district organized under this act shall have power to acquire by gift, grant, devise or purchase or by condemnation under any act of eminent domain now or hereafter in force, any and all grounds and lands necessary for building, laying out and maintaining any such pleasure driveways and forest preserves as such board of commissioners may deem proper: *Provided*, no lands acquired for such driveways and preserves shall lie within any public park district now organized under or by virtue of any law of this State. Said forest preserve district shall also have the power to raise money by general taxation for the purpose of acquiring, laying out, building and maintaining any such driveways and forest preserves and may by general taxation raise sufficient money to pay all necessary expenses incurred by said board in establishing, protecting and maintaining any such pleasure driveways and forest preserves within said district; and power is also hereby conferred upon said district to borrow money on the credit of the district and issue bonds therefor in such amounts and on such conditions as it shall prescribe for the payment of land condemned or purchased for forest preserves and pleasure driveways, for building, maintaining and improving the same and for the payment of expenses incidental thereto; but said district shall not, unless authorized by a vote of the electors of such district, as hereinafter provided, become indebted in any manner, nor for any purpose, to any amount, including existing indebtedness, in the aggregate to exceed one (1) per centum of the value of the taxable property therein, to be ascertained by the equalized assessment for State and county taxes for the year immediately preceding the incurring of such indebtedness, but said board of commissioners may at any election in said district submit to the electors of said district the question of incurring a larger amount of indebtedness and issuing bonds therefor; if a majority of the electors voting at such election on said proposition



shall vote for the incurring of such increase of indebtedness or bond issue, the same shall thereby be fully authorized; but such further increase of indebtedness, or the issuing of bonds, shall in no case exceed, including existing indebtedness, the sum of three (3) per centum of the value of the taxable property therein, to be ascertained by the last equalized assessment for State and county taxes previous to the borrowing of such money and issuing such bonds; and before or at the time of issuing such bonds said board shall provide for the collection of an annual tax sufficient to pay the interest on such bonds as it falls due and also to pay and discharge the principal thereof within twenty (20) years from the date of issuing such bonds.

All general taxes proposed by said board of commissioners to be levied on the taxable property within said district shall be levied at the same time and in the same manner as taxes are now levied for city and village purposes under the laws of this State: *Provided*, the aggregate amount of taxes levied for any one year, exclusive of the amount levied for the payment of the interest on the bonded indebtedness, shall not exceed the rate of one (1) mill on each dollar of the aggregate valuation of property within such district subject to taxation therein as the same was equalized for State and county taxation for the previous year. All moneys when collected under any of the provisions of this act shall be paid to the treasurer of said board of commissioners for said district.

§ 8. Whenever any person holding the office of president or commissioner of any district formed under the provisions of this act, shall from any cause, either by removal from said district or otherwise, cease to be a legal voter within said district, his office shall be declared vacant and the vacancy filled by appointment by the Governor of some person qualified to hold such office, and whenever any person so appointed president or commissioner shall refuse to act as such president or commissioner, as the case may be, or shall neglect to attend the duties of his office for such time as shall be fixed by ordinance, said office may be declared vacant and the vacancy filled by appointment as above provided.

§ 9. Any territory adjoining any forest preserve district organized under the provisions of this act may become a part of such district in the manner following: A majority of the legal voters residing within the territory proposed to be annexed to such district shall petition the board of commissioners of such district to be annexed thereto. The said board of commissioners of such district may, by ordinance duly passed, annex said territory to such district, and the same shall thenceforth become and be a part of said district, the same as though originally included in said district.

§ 10. The president of any district organized under this act shall preside at all meetings of the board when present and shall be the executive officer thereof; he shall sign all ordinances, resolutions and other papers necessary to be signed and shall execute all contracts entered into by the board and perform such other duties as may be prescribed by ordinance of the board; he shall have the right to veto

any ordinance, resolution or other action of said board, and when so vetoed, such ordinances, resolutions or other actions of said board shall not be effective or valid unless the same be again passed by a two-thirds vote of all the members of said board. The president shall be entitled to vote only in case of a tie. In case of the temporary absence or inability of the president to perform the duties of his office, the commissioners may elect from their number a president *pro tem*.

APPROVED May 18, 1905.

## FRAUDS AND PERJURIES.

### SALES OF MERCHANDISE IN FRAUD OF CREDITORS.

§ 1. What sales presumed to be fraudulent.

Approved May 13, 1905.

§ 2. Rules of evidence as affected by act.

AN ACT entitled, "*An act to prevent sales of merchandise in fraud of creditors.*"

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That a sale of any portion of a stock of merchandise, otherwise than in the ordinary course of trade or in the regular and usual prosecution of the seller's business or a sale of an entire stock of merchandise in gross, will be presumed to be fraudulent and void as against the creditors of the seller unless the seller and purchaser shall at least five days before the sale make a full and detailed inventory showing the quantity and so far as possible, with the exercise of reasonable diligence, the cost price to the seller of each article to be included in the sale, and unless such purchaser shall at least five days before the sale, in good faith, make full and explicit inquiries of the seller as to the names and places of residences or places of business of each and all of the creditors of the seller and the amount owing each creditor and unless the purchaser shall at least five days before the sale, in good faith, notify or cause to be notified, personally or by registered mail, each of the seller's creditors of whom the purchaser has knowledge or can, with the exercise of reasonable diligence, acquire knowledge, of said proposed sale and of the said cost price of the merchandise to be sold and of the price proposed to be paid therefor by the purchaser. The seller shall at least five days before such sale fully and truthfully answer in writing each and all said inquiries.

§ 2. Except as especially provided in this act, nothing therein contained nor any act thereunder, shall change or affect the present rules of evidence or the present presumptions of law

APPROVED May 13, 1905.

## GARNISHMENT.

## WAGES AND SALARIES OF PUBLIC OFFICERS.

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| § 1. Officers and employés subject to garnishment.<br>§ 2. Summons or writ—how served.<br>§ 3. Answer—deposit—receipt.<br>§ 4. Trial.<br>§ 5. Allegations and interrogatories. | § 6. Failure to file answer—contempt.<br>§ 7. Fees required before answer.<br>§ 8. Service in certain cases.<br>Approved May 11, 1905. |
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AN ACT *to subject the salary and wages of officers and employes of counties, cities, villages, school districts and departments of either thereof to garnishment and attachment.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the salary or wages of any officer or any person employed by any county, city, town, village, school district, or any department of either thereof shall be liable to process of garnishment or attachment in the following manner and extent and with the same effect that the salary or wages of any other person is or are now or may hereafter become under any provisions of any law of this State liable to such process.

§ 2. When the salary or wages of any officer of such political sub-division or department thereof is or are sought to be attached or reached by such process, the garnishee summons or writ of attachment shall be served upon the treasurer or clerk of such political sub-division or department thereof. And in all other cases such process shall be served upon the officer or head of department or the presiding officer of the body in which office or department, or by which body the person whose salary or wages sought to be attached or garnisheed is employed, and the answer shall be made by the officer or person upon whom such service is made, or by some other officer or person having knowledge of the facts.

§ 3. The officer of the corporation upon whom such garnishee summons have been served shall, within ten days from the date of service, file or cause to be filed with the justice of the peace, police magistrate or clerk of the court where such suit is pending, an answer under oath, stating the amount due the employé whose salary or wages have been attached or garnisheed, the amount of offset, credits or set-offs, the corporation has to such wages or salary at the time of the service of the summons; he shall also state whether such employé or officer, whose wages or salary is garnisheed, is the head of a family or not, and he shall also deposit with such justice of the peace, police magistrate or clerk of the court, the amount so shown to be due and unpaid and take his receipt for the same, and thereupon the said municipal corporation, shall be relieved of any further connection with such suit, and the receipt so taken from such justice,

police magistrate or clerk of the court, as the case may be, shall become a voucher for the amount so paid, the same as if taken from the employé or officer whose wages or salary have been garnisheed, and as a payment to him in person.

§ 4. As soon as such answer of such officer is filed and money deposited as aforesaid, the court before which the proceedings are pending shall proceed to try the rights of the parties to such deposit as near as may be in the manner as other cases of garnishment.

§ 5. When such officer shall be summoned to answer in any place other than where he resides or where his office is located or where his duties are usually performed, the plaintiff shall, at the time of the filing of the affidavit in attachment, or the affidavit in garnishment, and before the issuing of the summons of such case, exhibit and file in the court in writing, allegations and interrogatories on which he desires to obtain and compel an answer from such garnishee touching the wages or salary of any such officer or employé, a copy of which shall be delivered to the garnisheed at the time of the service of the garnishee summons, and the answer of said garnishee shall be reduced to writing, signed by him and verified by his affidavit, in which answer he shall fully disclose and answer all of the allegations and interrogatories furnished him at the time of the service of the summons and he shall transmit the same to the court or justice issuing such summons within ten days from the time specified in such summons for answer.

§ 6. The filing of answer, and deposit of the money, shall be a full release of the corporation garnisheed under the proceedings from further actions of the court. But in case the officer garnisheed shall fail to file an answer and make such deposit within the ten days after service of the summons aforesaid, then the court shall have power to subpoena the said officer served to appear before said court, and compel such officer to file said answer, and if it shall appear to the court that any money is due to the employé or officer, whose wages or salary is garnisheed, from the defendant corporation, the court may order the same deposited within a time specified, and if such officer shall still refuse to deposit the same, the court may proceed against the officer served as in cases of contempt.

§ 7. Before any officer of any municipal corporation so served with summons, shall be required to answer he shall be paid the usual fees as required by law to be paid in such cases. And in case such officer is without the jurisdiction of the court, a *dedimus potestatum* may issue to take his deposition, as in other cases of law or chancery: *Provided, however*, that such deposition shall be taken and operate as an answer.

§ 8. In case any officer of the corporation as is named in section two of this act, to be served with summons, shall be the officer or employé whose salary or wages are attached or garnisheed, then the summons shall be had upon some other officer of such corporation.

APPROVED May 11, 1905.



## GUARDIANS AND WARDS.

## INVESTMENT OF FUNDS OF WARDS.

§ 1. Amends section 22, act of 1872.

Approved May 13, 1905.

§ 22. Investments of funds by guardian regulated.

AN ACT *to amend an act entitled, "An act in regard to guardians and wards," approved April 10, 1872, in force July 1, 1872, [by amending section 22].*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled, "An act in regard to guardians and wards," approved April 10, 1872, in force July 1, 1872, be, and the same hereby is amended at section 22 so as to read as follows, to-wit:

§ 22. It shall be the duty of the guardian to put and keep his ward's money at interest upon security to be approved by the court, or by investing, on approval of the court, the same in United States bonds, or in the bonds of any county or city which are not issued in aid of railroads, and where the laws do not permit said counties or cities to become indebted in excess of five per cent of the assessed valuation of property for taxation therein, and where the total indebtedness of such county or city does not exceed five per cent of the assessed valuation of property for taxation at the time of such investment. Personal security may be taken for loans not exceeding one hundred dollars. Loans upon real estate shall be secured by first mortgage thereon and not to exceed one-half the value thereof. No mortgage loan shall be made for a longer time than five years nor beyond the minority of the ward: *Provided*, the same may be extended from year to year without the approval of the court. The guardian shall be chargeable with interest upon any money which he shall wrongfully or negligently allow to remain in his hands uninvested after same might have been invested.

APPROVED May 13, 1905.

## INSURANCE.

## CASUALTY INSURANCE COMPANIES.

§ 1. Adds a new section to act of 1889.

Approved May 16, 1905.

§ 12a. Examination of insurance companies by State Superintendent.

AN ACT to amend an act entitled, "An act to incorporate and to govern casualty insurance companies and to control such companies of this State and of other states doing business in the State of Illinois, and providing and fixing the punishment for violation of the provisions thereof, and to repeal all laws now existing which conflict therewith," approved April 21, 1899, in force July 1, 1899, by the addition thereto of a new section to be known as section 12a.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled, "An act to incorporate and to govern casualty insurance companies and to control such companies of this State, and of other states doing business in the State of Illinois, and providing and fixing the punishment for violation of the provisions thereof and to repeal all laws now existing which conflict therewith," approved April 21, 1899, in force July 1, 1899, be and the same is hereby amended by adding a new section to be section 12a, and to read as follows:§

§ 12a. In estimating the condition of any casualty insurance corporation, under the provisions of this chapter, the Insurance Superintendent shall charge as liabilities all outstanding indebtedness of the corporation and the premium reserve on policies in force, equal to the unearned portions of the gross premiums charged for covering the risks computed on each respective risk from the date of the issuance of the policy. There shall also be charged as a liability to each company which undertakes or writes insurance under sub-division second of section 1 of this act, whether organized under this or any other State or country, a further reserve as hereinafter provided. For the purpose of computing said reserve, each such company which has been engaged in liability underwriting for ten years or more, shall, on or before the first day of October in each year, state in writing to the Insurance Superintendent its experience in the United States, under all forms of liability policies, each year separately according to the calendar years in which the policies were written, during a period of five years commencing ten years previous to the thirty-first day of December of the year in which the statement is made, in the following particulars, namely: The number of persons reported injured under all of the forms of liability policies, whether such injuries were reported to the home office of the given company or to any of its representatives; the amount of all payments made on account or in consequence of injuries reported under such policies; the number

and amount, separately, of all suits or actions against policy holders under such policies which have been settled, either by payment or compromise; both of the above amounts to be ascertained as of date of thirty-first day of August of the year in which the statement is made, and to include in the case of suits all payments made on account or in consequence of the injury from which the suit arose, whether prior to or later than the date at which the suit was brought. Each such company shall thereupon reserve upon all said kind of policies, irrespective of the date at which the policies were issued, (1) for each suit or action pending, on injuries reported prior to eighteen months previous to the date of making the statement, whether such injuries were reported to the home office of the given company or to any of its representatives, and which is being defended for or on account of the holder of any such policy the average cost thereof as shown by said experience, and (2) for injuries reported under such policies at any time within eighteen months, whether such injuries were reported to the home office of the given company or to any of its representatives, the average cost for each injured person as shown by said experience. From the sum so ascertained the company may deduct (1) the amount of all payments on said pending suits on injuries reported to eighteen months, including all payments made on account or in consequence of the injury from which the suit arose, whether prior to or later than the date at which the suit was brought, and (2) the amount of all payments made on account or in consequence of said injuries reported within eighteen months, both of the above amounts to be taken as of the date at which the statement is made. Any company which now issues, or shall hereafter issue, liability policies as aforesaid, and which has not been engaged in liability underwriting for ten years, shall, nevertheless, until such times as it may be able to state its experience of the period hereinbefore required, make and maintain a reserve upon all said kind of policies, irrespective of the date at which the policies were issued, determined as follows: (1) For each suit or action pending on injuries reported prior to eighteen months previous to the date of making the statement, whether such injuries were reported to the home office of the given company or to any of its representatives, and which is being defended for or on account of the holder of any such policy the average cost thereof as shown by the average of said experience of all other companies stated as required by this section, and (2) for injuries reported under such policies at any time within eighteen months, whether such injuries were reported to the home office of the given company or to any of its representatives, the average cost for each injured person as shown by the average of said experience of all other companies stated as required by this section; which average costs for suits and for injured persons shall be furnished by the Insurance Superintendent to each such company on or before the first day of December in each year. From the sum so ascertained each such company may deduct (1) the amount of all pay-

ments on said pending suits on injuries reported prior to eighteen months, including all payments made on account or in consequence of the injury from which the suit arose, whether prior to or later than the date at which the suit was brought, and (2) the amount of all payments made on account or in consequence of said injuries reported within eighteen months; both of the above amounts to be taken as of the date at which the statement is made.

APPROVED May 16, 1905.

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FIRE APPARATUS—INSURANCE OF.

§ 1. Fire apparatus may be insured.

Approved May 16, 1905.

AN ACT *authorizing fire insurance companies to insure sprinklers, pumps or other fire apparatus, and also to insure against loss or damage by the same.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That all insurance companies authorized to transact fire insurance business in this State may, in addition to the business which they are now authorized by law to do, insure sprinklers, pumps, and other apparatus, erected, used or put in position for the purpose of extinguishing fires, against damage or loss or injury resulting from any cause whatsoever; and may also insure any property which such companies are authorized to insure against loss or damage by fire, against damage, loss or injury by water or otherwise, resulting from the breaking of or injury to such sprinklers, pumps or other apparatus, or from the use or operation of the same, arising from any cause whatever, upon filing with the Insurance Department of the State of Illinois official notification of their purpose so to do: *Provided*, the same shall be clearly expressed in the policies.

APPROVED May 16, 1905.



## FRATERNAL INSURANCE SOCIETIES.

§ 1. Amends section 12, act of 1897.

Approved May 16, 1905.

§ 12. Inspection of fraternal companies  
by insurance superintendent—  
annual reports—refusal to make  
reports—injunctions—penalties

AN ACT to amend section 12 of an act entitled, "*An act to provide for the organization and management of fraternal beneficiary societies for the purpose of furnishing life indemnity or pecuniary benefits to beneficiaries of deceased members or accident or permanent indemnity disability to members thereof; and to control such societies of this State and of other states doing business in this State, and providing and fixing the punishment for violation of the provisions thereof,*" approved and in force June 22, 1893, as amended by an act approved and in force May 27, 1897.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 12 of an act entitled, "*An act to provide for the organization and management of fraternal beneficiary societies for the purpose of furnishing life indemnity or pecuniary benefits to beneficiaries of deceased members or accident or permanent indemnity disability to members thereof; and to control such societies of this State and of other states doing business in this State, and providing and fixing the punishment for violation of the provisions thereof,*" approved and in force June 22, 1892, [1893] and as amended by an act approved and in force May 27, 1897, be and the same is hereby amended so as to read as follows:

§ 12. All corporations to which this act is applicable, with their books, papers and vouchers shall be subject to visitation and inspection by the Insurance Superintendent or such person as he may designate. The Insurance Superintendent may address any inquiries to any such corporation in relation to its doings or condition or any other matter connected with its transactions relative to the business contemplated by this act. All officers of such corporation shall promptly reply in writing to all such inquiries under the oath of its president, secretary or other officers, if required. Any society refusing or neglecting to make the annual report, as provided in this act, shall be excluded from doing business within this State. Said Insurance Superintendent must, within sixty days after failure to make such report, or in case any such society shall exceed its powers or shall conduct its business fraudulently or shall fail to comply with any of the provisions of this act, give notice thereof in writing to the Attorney General, who shall, if in his judgment the facts and circumstances so shown shall warrant, immediately commence an action against such society to enjoin the same from carrying on any business. And an injunction may be granted upon proper showing by the Insurance Superintendent in any court of competent jurisdiction in this State: *Provided, however,* that no injunction against any

society within this State or application for, or the appointment of a receiver, or action to prevent any such society from carrying on business in this State shall be made, or granted by any court, except on the application of the Attorney General of this State, the Insurance Superintendent, or a judgment creditor and after written notice duly made and served upon the chief executive officer of such society within this State, and a full and complete hearing before such court, whether the party seeking such relief be the State, member of such society or any other person whatsoever. No society so enjoined shall have authority to continue business until such report shall be made or overt act or violation complained of shall have been corrected, nor until the cost of such action shall be paid by it: *Provided*, the court shall find that such society was in default as charged, whereupon the Insurance Superintendent shall reinstate such society, and not until then shall such society be allowed to again do business in this State. Any officer, agent or person acting for any society or subordinate body thereof within this State and who shall transact any business for such society contrary to the provisions of said injunction or prohibition while such society shall be so enjoined or prohibited from doing business pursuant to this act, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine of not less than \$25 nor more than \$500 or by imprisonment in the county jail for not less than 30 days nor more than one year, or by both fine and imprisonment in the discretion of the court.

APPROVED May 16, 1905.

## MUTUAL CASUALTY INSURANCE COMPANIES.

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| <p>§ 1. Organization of companies authorized.</p> <p>§ 2. Articles of association.</p> <p>§ 3. What articles of association shall contain.</p> <p>§ 4. Filing of articles—duties of insurance superintendent.</p> <p>§ 5. When company may commence business.</p> <p>§ 6. Payment of premiums.</p> <p>§ 7. Incurring debts or liabilities—loans to recover losses provided for.</p> <p>§ 8. Powers of cooperation.</p> <p>§ 9. Capital defined.</p> <p>§ 10. Premium notes—how deposited.</p> <p>§ 11. Right to hold real estate.</p> <p>§ 12. Cash premiums in lieu of notes.</p> <p>§ 13. Indemnifying employers.</p> <p>§ 14. Investment of funds regulated.</p> <p>§ 15. Annual reports to insurance companies</p> | <p>§ 16. Duty of insurance superintendent.</p> <p>§ 17. Board of directors—election—other officers.</p> <p>§ 18. Transferring risks.</p> <p>§ 19. Actions for recovery of assessments.</p> <p>§ 20. Cancellation of policies—return of premium notes.</p> <p>§ 21. Participation in profits.</p> <p>§ 22. Policies or contract—by whom signed—risks limited.</p> <p>§ 23. Cancellation of policy without notice.</p> <p>§ 24. Foreign corporations operating under this act.</p> <p>§ 25. Foreign corporations—further provisions.</p> <p>§ 26. Corporations organized under this act exempt from provisions of insurance laws.</p> |
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Approved May 16, 1905.

AN ACT to provide for the organization and management of mutual insurance corporations for the purpose of furnishing insurance and indemnity against loss to members in consequence of accidents or casualties to any employe, person or persons occurring in or connected with the business of members thereof; and to control such corporations of this State and other states doing business in this State and providing and fixing the punishment for violation of the provisions thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That any number of persons not less than twenty, the majority of whom shall be *bona fide* citizens of the State of Illinois, and all of whom shall be engaged in the same class of manufacturing or mining, by complying with the provisions of this act, may become, together with others that may hereafter be associated with them or their successors, a body corporate, for the purpose of carrying on the business of a mutual insurance company insuring risks hereinafter designated and none other: *Provided, however,* that any person who shall be a partner in any firm, or a stockholder in any corporation, engaged in any class of manufacturing or mining, shall be deemed a person engaged in such business for the purpose of associating in the formation of any corporation under the provisions of this act.

§ 2. The persons proposing to form a corporation under this act shall associate themselves by making a statement to that effect under their hands and acknowledge the same before some officer in the manner provided for the acknowledgment of deeds.

§ 3. Such articles of association shall state:

First. The names of the persons associated in the first instance and their respective residences.

Second. The name by which such corporation shall be known, which name shall not be the same as, nor resemble, the name of any other corporation organized under the laws of the State of Illinois, and shall embody therein the word "Mutual."

Third. The location of its principal office for the transaction of its business which shall at all times during the life of such corporation be located within the State of Illinois.

Fourth. The objects of the corporation and the purpose of forming the same for the transaction of the business of mutual insurance in accordance with the provisions of this act.

Fifth. The specific class of manufacturing or mining in which the incorporators are engaged and whether such incorporators are engaged as individuals, or are members of a partnership, or stockholders in a corporation. If not engaged as individuals, the name of the partnership, or corporation must be stated.

Sixth. The number of directors, a majority of whom must be residents of the State of Illinois, and the names and residence of those who are to serve as such directors until the first annual meeting of such company.

Seventh. The time and place of holding the regular annual meeting of members.

§ 4. Such articles of association, and the duplicate thereof, after execution and acknowledgment by the incorporators, shall be filed in the office of the Insurance Department of the State of Illinois. The Insurance Superintendent shall examine the proposed name of the corporation and shall have the right to reject any name of any corporation applied for, when he shall deem the name similar to one in use by any corporation already transacting business in this State, or is likely to mislead the public in any respect. After such examination by the Insurance Superintendent, he shall cause an examination of said corporation to be made by his office, and if he shall find that the incorporators are engaged in the class of business stated in the articles of incorporation, and that such company has received and is in actual possession of the premiums, the *bona fide* applications of insurance, and the premium notes, each and all in every respect as provided in this act, to the full extent and value required, he shall certify to the same under oath, attaching such certificate to the articles of incorporation, and duplicate thereof. The articles of incorporation and duplicate thereof shall then be filed in the office of the Secretary of State for record. After the same shall have been recorded therein, the duplicate articles of incorporation shall be certified to by the Secretary of State and delivered to the insurance department of the State of Illinois, whereupon the Insurance Superintendent shall make and deliver to said company two certified copies thereof, one of which shall be filed in the office of the clerk of the county where the principal office of the company is to be located,



which shall be the authority of said company to commence business, and the other copy retained in the principal office of the company. Upon the filing of such certified copy of articles of incorporation in the office of the clerk of the county, the incorporators, and those who thereafter may become associated with them, become and are a body corporate for the purposes set forth in said articles of incorporation, and are authorized thereby to commence business.

§ 5. Any company formed under the provisions of this act shall not commence business until such company shall have entered into agreements for insurance or indemnity, with at least twenty-five (25) applicants. The total amount of insurance or indemnity applied for shall be based upon a pay-roll of not less than an aggregate, annually, of two and one-half million dollars (\$2,500,000), and the total amount of premiums upon insurance so applied for shall not be less than fifteen thousand dollars (\$15,000), of which said last named amount not less than twenty-five (25) per cent thereof shall have been previously paid in cash, and is at the time in possession of the company, the balance of said premiums being either payable in cash or in secured notes or bonds, or both, which said notes or bonds shall be of solvent parties founded upon actual applications for insurance made in good faith, and are at the time in the possession of the company. No note or bond so given as herein provided shall be represented as part of the total amount of premiums required to be held by such company unless a policy shall be issued thereon, and received by the maker of said note, or bond, within thirty (30) days after the organization of the company upon a risk which shall be for no shorter period of time than twelve (12) months. No note, or bond, shall be accepted as a part of the total amount of premiums required under this act for the purpose of the commencement of business, unless accompanied by a certificate of the cashier of a State or government bank located in the county in which the maker of such note, or bond, resides: *Provided, however*, that no such certificate shall be required if any note, or bond, given for any premium as herein provided shall be secured by the pledge of bonds of the United States, bonds of this State or any other state of the United States, or bonds, or evidence of indebtedness bearing interest, of any county, incorporated town, city or school district within this State, where such bonds or other evidence are issued by authority of law, and upon which the interest has never been in default, said bonds or other evidence of indebtedness so pledged being at the same time at or above par, and of the current value of at least twenty-five (25) per cent more than the face of said note, or bond. The Insurance Superintendent is hereby given the right to demand other evidence to his satisfaction of the solvency and responsibility of the maker of any such note, or bond.

§ 6. Every person, firm or corporation insured by any company organized under the provisions of this act shall pay at the time of receiving his policy such sum in money, and give his premium note, or bond, for such further sum as may be required: *Provided, however*, the insured may pay the entire premium in cash, and every per-

son, firm or corporation, effecting insurance in any company organized under this act, as well as the heirs, executors or assigns of any such person, or firm or the assigns or successors of any such corporation, so long as the person, firm or corporation shall continue to be so insured, shall thereby become members of such corporation during the period of insurance, and shall be bound to pay for losses, and such expenses as may accrue in the management of such company, in proportion as the amount of the premium for insurance effected by any such person, firm or corporation bears to the total premium of all insurance effected in the company. The directors of any company organized under the provisions of this act as often as they may deem necessary after receiving notice of any loss or damage covered by any policy issued by such company or of any expense incurred in the management of such company, shall settle, and determine the sum, or sums, to be paid by the several members thereof on their respective portions of such loss, or such expense, or both, and give notice thereof to each member in such manner as the by-laws may require; said sum, or sums, so determined shall be paid into the treasury of such company within sixty (60) days after the giving of such notice. If any member, for the period of sixty (60) days after the giving of such notice shall neglect or refuse to pay the sum so assessed upon him as his proportion of any loss as aforesaid, or of any expenses of such company, such company may sue for and recover judgment against said member for the whole amount of such premium note or notes, with costs of suit, but execution shall only issue thereon for assessments and costs as they accrue. If the whole amount of premium notes taken and held by any company organized under the provisions of this act shall be insufficient to pay the losses and damage sustained under policies issued by this company, and the expenses of the management of such company, then and in that event the sufferers insured by the said company shall receive towards making good their respective loss or losses, such proportional share of the whole amount of such notes as the total insurance carried by them bears to the whole amount insured by the company: *Provided, however*, that no member shall ever be required to pay as his share for any loss more than the whole amount of his premium.

§ 7. No company organized under the provisions of this act shall incur any debt or liability whatever except for the payment of losses and expenses that may accrue in the management of such company: *Provided, however*, that the board of directors of any such company are expressly authorized to negotiate loans for any loss or losses occurring under any policy issued by such company in anticipation of the collection of the respective amounts from the members thereof, but no such loans, shall be for a longer period than six (6) months: *And, provided, further*, that the board of directors of any such company, when authorized by a two-thirds vote of all the members of the company, shall have the right, and are expressly authorized to incur indebtedness, and make contracts for the payment thereof in such manner as by them may be deemed advisable for the purpose of leasing or purchasing real estate and erecting a building thereon, or for

the purpose of erecting a building upon real estate already acquired either by lease or deed, the same to be used either for the principal office, or a local office of said company, but no such indebtedness shall be incurred until provisions shall have been made by the board of directors for creating and maintaining a sinking fund into which there must be placed annually thereafter a sum not less than five nor more than ten per cent of the total indebtedness so incurred, the money accumulating in said sinking fund to be used in the extinguishment of such indebtedness in such amounts and in such manner as the board of directors may determine. Any sum herein provided to be converted into said sinking fund shall be a part of the expense of the company.

§ 8. Any company organized under the provisions of this act shall by its incorporated name have the power and be capable to sue and be sued; to make contracts of insurance upon the plan herein provided, in this State or elsewhere, with any person, firm or corporation engaged in the same class of business as the incorporators; to prescribe the qualifications and the manner and form of the admission or withdrawal of members; to have and use a common seal which may be changed and altered at pleasure; to be capable in its corporate name or in the name of a trustee chosen by the board of directors, of taking, purchasing, leasing, holding and disposing of real and personal property for carrying into effect the purposes of their organization; to make by-laws and regulations not inconsistent with the provisions of this act, the constitution of this State or of the United States, which by-laws and regulations shall designate the number of directors, define the duties of the officers and fix the term of office of the directors and officers of such company; to make all necessary rules and regulations concerning the risks incurred, the premium rates to be used and the adjustment and payment of losses, subject to the restrictions hereinafter prescribed; to fix the compensation of its directors and officers, define their duties and obligations and require bond for the faithful performance thereof; and, to exercise such other powers as may be necessary to effect the object of such company.

§ 9. In any company organized under the provisions of this act the amounts received for cash premiums and payments, together with the investments and accumulations thereof remaining on hand at any time shall constitute the actual funds of such company; the amount due on premium notes shall constitute the contingent fund, and the aggregate of such funds shall constitute the capital of such company, and the use of the word "capital" wherever it may occur in this act shall be held to mean and include the two funds above designated, and not otherwise.

§ 10. All premium notes or bonds deposited with any company organized under the provisions of this act at the time of its organization as herein provided, shall remain as security for all losses and claims until the accumulation of their profits from investments allowed by this act shall equal the amount of cash capital required to be possessed unless the obligations of the maker thereof under the terms of the contract of insurance in said company shall have



sooner expired. No premium notes given at the time of the organization of the company, and used in determining whether such company is entitled to commence business, shall be canceled or released within one year, nor until all losses accruing during the continuance of the notes are paid, and all pledges given to secure any of said notes or bonds shall remain pledged with the company until the note or bond they are given to secure shall be paid or canceled.

§ 11. No company organized under the provisions of this act shall purchase or hold any real estate except:

First. Such as shall be necessary for the transaction of its business; or,

Second. Such as shall have been mortgaged to the company in good faith by way of securities for debt; or,

Third. Such as shall have been conveyed to the company in satisfaction of debts previously contracted in the course of its dealings; or,

Fourth. Such as shall have been purchased at sales upon judgments, decrees or mortgages in favor of such company, and all real estate obtained by virtue of any provisions of this section, except that mentioned in the first subdivision, shall be sold or disposed of within five years after the title has been perfected in such company, unless the company shall procure a certificate from the insurance superintendent that the interests of said company will materially suffer by a forced sale, in which event the sale may be postponed for such period as the Insurance Superintendent shall direct in said certificate.

§ 12. Any company organized under the provisions of this act shall have the right to accept cash premiums in place of premium notes for any term of an insurance not exceeding one year, the amount of cash to be paid to be determined by the directors of the company: *Provided, however*, that no discrimination shall be shown, nor rebates, nor discounts allowed for cash premiums.

§ 13. Any company organized under the provisions of this act is empowered and authorized to make contracts of insurance or indemnity, insuring or indemnifying employers against loss in consequence of accidents or casualties of any kind to any employé or employés, or to any person or persons, resulting from any act or acts of any employé or employés; or accidents or casualties to any person or persons or any employé or employés, resulting from any reason or cause whatsoever, and occurring in or connected with the transaction of the business of any employer. No person shall be insured by any company who is not engaged in the same class of business as the incorporators of any such company, and any contract of insurance made with any person not so engaged in the same class of business as the incorporators of the company shall be void.

§ 14. No company organized under this act shall invest its funds in any other manner than as follows: In bonds of the United States, in bonds of this State or any other state or territory of the United States, if at or above par; in bonds and mortgages, or unincumbered



real estate within this State or in any other state in which said company may be transacting an insurance business, worth at least double the amount loaned thereon, and the value of such real estate shall be determined by a valuation made under oath by two freeholders of the county where the real estate is located (if buildings are considered a part of such real estate they must be insured for the benefit of the mortgagee): in bonds or other evidence of indebtedness bearing interest of any county, incorporated city, town or school district within this State, or any other state in which said company may be transacting an insurance business, where such bonds or other evidence of indebtedness are issued by authority of law, and upon which interest has never been defaulted: in loans upon the pledge of stocks, bonds or mortgages or par value, if the current value of such stock, bonds or mortgages is at least twenty-five (25) per cent more than the amount loaned thereon: and in stocks, debentures and bonds of incorporated companies incorporated under the laws of one of the states of the United States, or of the laws of the United States: but in no event shall more than an amount equal to twenty (20) per cent of the amount of the capital of the investing company be invested in the stocks, debentures or bonds of any one incorporated company, which stocks, debentures or bonds must not be below par and of the current value of at least fifty (50) per cent more than the amount loaned thereon.

§ 15. The president or the vice president, together with the secretary of each company organized or authorized to do business under this act, shall annually on or before the 31st day of March of each year, prepare under oath and file with the Insurance Superintendent, a full, true and complete statement of the condition of such company on the 31st day of December of the preceding year, which statement shall set forth the following items and facts:

First. The name of the company and where located.

Second. The name of the officers.

Third. The property or assets held by the company, specifying:

1. The real value of real estate owned by the company.
2. The amount of cash held on hand and deposited in banks to the credit of the company, and in which bank deposited.
3. The amount of cash in the hands of agents and in the course of transmission.
4. The amounts of loans secured by first mortgages of real estate, and the rate of interest thereon.
5. The amount due the company upon which judgment has been obtained.
6. The amount of bonds of the United States, or of this State, or of any county or municipal corporation of this State, or any other bonds owned by the company, designating the amount and number thereof and par and market value of each kind.

7. The amount of bonds, stocks and other evidence of indebtedness held by such company as collateral security for loans, with the amount loaned thereon, and its par and market value.

8. The amount of assessments on premium notes paid and unpaid.

9. The amount of interest actually due and unpaid.

10. The amount for which premium notes have been given on which policies have been issued.

11. The amount remaining due and unpaid on such premium notes.

12. The number and amount of premium notes canceled since last report.

13. All other securities and their par and market values.

Fourth. The liabilities of such company, specifying:

1. Losses adjusted and due, but unpaid.

2. Losses adjusted and not paid.

3. Losses unadjusted.

4. Losses in suspense and the cause thereof.

5. Losses resisted and in litigation.

6. Dividends in cash due, but unpaid.

7. Dividends paid since last report.

8. The amount of money borrowed and the security therefor.

9. The amount due banks and other creditors.

10. The amount required to reinsure all outstanding risks on the basis of fifty (50) per cent of the premium on all unexpired risks.

11. All other claims against the company.

Fifth. The income of the company during the previous year specifying:

1. The amount received for premiums, exclusive of premium notes.

2. Amount of premium notes received.

3. The amount received for interest.

4. The amount received for assessments on premium notes.

5. The amount received from all other sources.

Sixth. The expenditures during the preceding year:

1. The amount of losses paid during said year, stating how much of the sums accrued prior, and how much subsequent, to the date of the preceding statement, and the amount at which such losses were estimated in such statement.

2. The amount paid for dividends.

3. The amount paid for commission, salaries, expenses, and other charges of agents, clerks and other employés.

4. The amount paid for salaries, fees and other charges of officers and directors.

5. The amount paid for local, State, national and other taxes and duties.

6. The amount paid for all other expenses, including printing, stationery, rents and otherwise.

7. The amount paid for adjustment of claims, including the amount chargeable to legal expense.

8. The amount refunded to policy holders on canceled policies.

Seventh. The largest amount insured in any one risk.

Eighth. The amount of risks written during the year then ending.

Ninth. The amount of risks in force having less than one year to run.

§ 16. The Insurance Superintendent shall withhold his certificate or permission of authority to do business from any company neglecting or failing to comply with the provisions of this act, but when the report provided for in this act shall have been filed, and the Insurance Commissioner is satisfied from an examination of the same, that the assets, securities and investments of such company remain secure and that said company is in all things complying with the laws in relation thereto, he shall furnish a renewal of the certificate of insurance upon the payment by the company to the State of Illinois of a fee of ten dollars (\$10).

§ 17. The affairs of a company organized under this act shall be managed by a board of directors composed of not less than five (5) nor more than eleven (11) persons, all of whom shall be members of the company. These shall be elected by the members of the company at the annual meeting of the members, each member being entitled to cast one vote for each director to be elected. The officers of any such company shall consist of a president, one or more vice-presidents, as the by-laws may provide, a treasurer and a secretary, all of whom shall be elected by the board of directors and all [of] whom, except the secretary, must be members of the company. No officer of any such company shall have the right to make any agreement with a member altering, changing or in anywise waiving any of the written provisions of any policy issued by such company, and every such agreement shall be void so far as it relates to any such policy. No contract or policy of insurance issued by any company shall be altered, changed or any of its provisions waived except by a duly authorized officer of the company acting under the written authority of its board of directors, by and with the consent of the insured, and then only when the alteration or change made, or provision waived, does not affect the right of any other member or members.

§ 18. No company organized under this act shall transfer its risks to or reinsure them in any other corporation, association or society, unless the contract of transfer or reinsurance is first submitted to and approved by a two-thirds vote of a meeting of the insured, called to consider the same, of which meeting notice shall be mailed to each member of the company at least thirty (30) days before the date fixed for such meeting. No such company shall transfer its risks or assets, or any part thereof, to, [or] reinsure its risks, or any part thereof, in any insurance corporation, association or society, which is not at the time of such transfer or reinsurance authorized to do business in this State under the laws thereof. Every company organized under the provisions of this act shall set aside a reinsurance reserve of fifty (50) per cent. of its premiums as written in its policies, whether collected in cash or represented by obligations of the policy holders.

§ 19. In actions for the recovery of assessments duly levied by the directors of any company organized under the provisions of this act or for money due on the liability of members of any such company, the official statement of the president or secretary of such company under seal and sworn to, shall be received in court as evidence of the facts essential for making the same, and that such assessment, for the non-payment of which such action is commenced, has been duly levied, and notice thereof given.

§ 20. When any policy for which a premium note shall have been given in part payment of the premium therefor, is canceled by the company, the insured must upon demand from the company pay his proportion of all losses which have actually occurred up to date when such policy was canceled, upon the doing of which the company shall return such notes to the maker thereof.

§ 21. The members of companies organized under this act shall participate annually in the profits of the business of such company in such manner and to such extent as may be determined from year to year by the board of directors thereof. Before any such profits arising from its business shall be distributed, there shall be reserved therefrom:

1. A sum equal to the whole amount of premiums on unexpired risks and policies which are hereby declared to be unearned premiums.

2. All sums due the company on bonds and mortgages, stocks and book accounts, of which no part of the principal, nor the interest thereon, has been paid during the preceding year, and for which foreclosure or suit has not been commenced, or which after judgment obtained thereon shall have remained more than two years unsatisfied, and on which interest shall not have been paid.

3. All interest due or accruing or remaining unpaid.

§ 22. All policies or contracts of insurance issued by any company organized under this act shall be subscribed by the president, or such other officer as may be designated by the board of directors for that purpose, and attested by the secretary thereof, and no policy or contract shall be issued in which the company exposes itself to loss on any one risk, or hazard, to any amount exceeding fifteen (15) per cent of its capital.

§ 23. Any company organized and transacting business under the provisions of this act shall have the right to provide in any policy issued by it that if any member shall refuse to pay the assessment made against his premium note, or shall fail to pay the same within sixty (60) days after notice from the company, such refusal or failure shall operate as a cancellation of his policy without notice, and all liability for loss resulting thereafter shall cease to exist on the part of the company. It shall not be necessary for the company to serve any notice upon the insured on the cancellation of the policy for any reason herein stated. It shall have the right to provide in any policy issued to any member, that notice in event of loss shall be given by such member within fifteen (15) days after the happening thereof,



for all rights to recover upon the policy shall be forfeited. The maximum measure of insurance or indemnity in any policy issued by the company must be plainly stated upon the face thereof, and in no event can any greater liability be fixed than the amount therein stated.

§ 24. Every corporation coming within the provisions of this act, organized under the laws of any other state, province or territory, and not now doing business in this State, shall be admitted to do business within this State when it shall have filed with the Insurance Department of the State of Illinois a duly certified copy of its charter and articles of association, accompanied by a fee of one hundred dollars (\$100), and a copy of its by-laws certified to by its secretary, and a certificate duly verified by such officer to the effect that such corporation has paid all approved claims for indemnity in full for a period of one year prior to applying for permission to do business within this State, together with an appointment of the Insurance Superintendent of this State as a person upon whom process may be served as hereinafter provided: *And, provided,* that such corporation shall be shown by certificate to be authorized to do business in the state, province or territory in which it is incorporated or organized in case the laws of such state, province or territory shall provide for such authorization; and in case the laws of such state, province or territory do not provide for any formal authorization to do business on the part of such corporation, then such society must be shown to be conducting its business in accordance with the provisions of this act, for which purpose the Insurance Superintendent of this State may personally, or by some person to be designated by him, examine the condition, affairs, character and business methods, accounts, books and investments at its principal office, which examination shall be at the expense of such corporation. If the Insurance Superintendent shall find, after such examination, the [the] objects of organization and plan of doing business are fully and definitely set forth and are clearly within the provisions of this act, and that the title of said corporation is not similar to one in use in this State, he shall approve the application of such corporation to do business in this State and shall issue to such corporation a permit in writing authorizing such corporation to do business within this State.

§ 25. Every such corporation now doing business in this State or hereafter admitted to do business in this State and not having its principal office within this State, and not being organized under the laws of this State, shall appoint in writing the Insurance Superintendent of this State or his successor in office to be its true and lawful attorney, upon whom all lawful process in any action or proceedings against it may be served, and in such writing shall agree that any lawful process against it which is served on said attorney shall be of the same legal force and validity as if served upon the corporation and that the authority shall continue in force so long as any liability remains outstanding in this State. Copies of such certificate, certified by said Insurance Superintendent, shall be deemed sufficient evi-

dence thereof, and shall be admitted in evidence with the same force and effect as the original thereof might be admitted. Service upon such attorney shall be deemed sufficient service upon such corporation. When legal process against any such corporation is served upon said Insurance Superintendent, he shall immediately notify the society of such service by letter, prepaid and directed to its secretary or corresponding officer, and shall within two days after such services forward in the same manner a copy of the process served on him to such officer. The plaintiff in such process so served shall pay the Insurance Superintendent at the time of such service a fee of three dollars which shall be recovered by him as a part of the taxable costs, if he prevails in the suit. The Insurance Superintendent shall keep a record of all processes served upon him, which record shall show the day and hour when such service was made.

§ 26. All corporations organized under and by virtue of this act shall be governed by this act and shall be exempt from the provisions of all insurance laws of this State and no law hereafter passed shall apply to them unless they be expressly designated therein.

APPROVED May 16, 1905.

#### TOWNSHIP INSURANCE COMPANIES—ADDITIONS TO TERRITORY.

§ 1. Amends section 1, act of 1881.

Approved May 16, 1905.

§ 1. Additions to territory authorized.

AN ACT to amend an act entitled, "*An act to give contiguous territory the right to become incorporated with township insurance companies,*" approved May 31, 1881, and in force July 1, 1881.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 1 of an act entitled, "*An act to give contiguous territory the right to become incorporated with township insurance companies,*" approved May 31, 1881, in force July 1, 1881, be and the same is hereby amended to read as follows:

[§ 1.] That it shall be lawful for any township insurance company already organized, or hereafter to be organized, having less than twenty-five political townships in its organization, to accept or receive into its said organization one or more adjoining congressional or political townships: *Provided, however,* such organization shall not in any event embrace more than twenty-five such townships.

APPROVED May 16, 1905.

## TOWNSHIP INSURANCE COMPANIES—CONSOLIDATION.

§ 1. Amends section 1, act of 1895.

Approved May 16, 1905.

§ 1. Authorizes consolidation of township companies.

AN ACT to amend an act entitled, "*An act to authorize the consolidation of township insurance companies,*" approved June 21, 1895, and in force July 1, 1895.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 1 of an act entitled, "*An act to authorize the consolidation of township insurance companies,*" approved June 21, 1895, and in force July 1, 1895, be and the same is hereby amended to read as follows:

§ 1. That is [it] shall be lawful for any number of township mutual fire insurance companies, already organized or hereafter to be organized, not exceeding twenty-five political townships of contiguous territory, to consolidate the same into one company.

APPROVED May 16, 1905.

## TOWNSHIP INSURANCE COMPANIES—PORTABLE PROPERTY.

§ 1. Amends section 8, act of 1874.

Approved May 13, 1905.

§ 8. What risks allowed—live stock, etc., temporarily out of district—obligation of insured.

AN ACT to amend an act entitled, "*An act to revise the law in relation to township insurance companies,*" approved March 24, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section eight (8) of "*An act to revise the law in relation to township insurance companies,*" approved March 24, 1874, in force July 1, 1874, be amended so as to read as follows:

§ 8. MANNER OF INSURING.] Such companies may issue policies only on detached dwellings, barns, (except livery, boarding and hotel barns) and other farm buildings, school houses and churches, and such property as may be properly contained therein, also other property on the premises and owned by the insured, also live stock, (hay and grain in the stack) on the premises of the insured and anywhere in the territory of the company, for any time not exceeding five years and not to extend beyond the limited duration of the charter, and for an amount not to exceed four thousand, five hundred dollars on any one risk; said policies may cover loss of or damage to live stock, harness and vehicles, temporarily taken from the territory of the company, provided said live stock, harness and vehicles be not removed to exceed twenty-five miles from the territory of the company. All

persons so insured shall give their obligations to the company binding themselves, their heirs and assigns, to pay their pro rata share to the company of the necessary expenses, and of all losses by fire or lightning which may be sustained by any member thereof during the time for which their respective policies are written, and they shall also, at the time of effecting the insurance, pay such percentage in cash and such other charge as may be required by the rules and by-laws of the company.

APPROVED May 13, 1905.

## JURORS.

### EXEMPTIONS FROM JURY SERVICE.

§ 1. Amends section 4, act of 1901.

Approved May 12, 1905.

§ 4. Persons exempt from serving on  
juries.

AN ACT to amend section 4 of an act entitled, "An act concerning jurors and to repeal certain acts therein named," approved and in force Feb. 11, 1874, as amended by act approved May 11, 1901, in force July 1, 1901.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 4 of an act entitled "An act concerning jurors, and to repeal certain acts therein named," approved and in force Feb. 11, 1874, as amended by act approved May 11, 1901, in force July 1, 1901, be and the same is hereby amended so as to read as follows:

§ 4. The following persons shall be exempt from serving as jurors, to-wit: The Governor, Lieutenant Governor, Secretary of State, Auditor of Public Accounts, Treasurer, Superintendent of Public Instruction, Attorney General, members of the General Assembly during their term of office, all judges of courts, all clerks of courts, sheriffs, coroners, postmasters, mail carriers, practicing attorneys, all officers of the United States, officiating ministers of the Gospel, school teachers during the term of school, practicing physicians, registered and assistant pharmacists, constant ferrymen, mayors of cities, policemen, active members of the fire department, embalmers, undertakers and funeral directors actively engaged in their business, and all persons actively employed upon the editorial or mechanical staffs and departments of any newspaper of general circulation printed and published in this State: *Provided*, that every fireman who shall have faithfully and actively served as such in any volunteer fire department in any city of this State, for the term of seven years, may thereafter be exempt from serving on juries in all courts.

APPROVED May 12, 1905.



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## LANDLORD AND TENANT.

### REMOVAL OF FIXTURES BY TENANT.

§ 1. Amends act of 1873 by adding new section thereto.	Approved May 13, 1905.
§ 35. Tenant may remove fixtures erected by himself.	

AN ACT to amend "*An act to revise the law in relation to landlord and tenant,*" approved May 1, 1873, in force July 1, 1873, by adding thereto an additional section, to be known as section 35.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That "An act to revise the law in relation to landlord and tenant," approved May 1, 1873, in force July 1, 1873, hereby is amended by adding thereto an additional section, to be known as section 35, to read as follows:

§ 35. Subject to the right of the landlord to distrain for rent, a tenant shall have the right to remove from the demised premises all removable fixtures erected thereon by him during the term of his lease, or of any renewal thereof, or of any successive leasing of the premises while he remains in possession in his character as tenant.

APPROVED May 13, 1905.

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## LIBRARIES.

### FREE PUBLIC LIBRARIES.

§ 1. Amends sections 10 and 11, act of 1903.	§ 11. Library board—election—special election for first board.
§ 10. Petition for organization—election—form of ballot—tax levy.	Approved May 16, 1905.

AN ACT to amend sections 10 and 11 of an act entitled, "*An act to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms,*" approved and in force March 7, 1872, as amended by an act approved May 13, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* Sections 10 and 11 of an act entitled, "An act to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms," approved and in force March 7, 1872, as amended by an act approved May 13, 1903, are hereby amended to read as follows:

§ 10. When fifty legal voters of any incorporated town, village or township shall present a petition to the clerk of the town, village or township (or trustee of schools in counties not under township organ-

ization) asking that an annual tax may be levied for the establishment and maintenance of a free public library in such town or township, and shall specify in their petition a rate of taxation not to exceed two mills on the dollar, such clerk (or trustee of schools in counties not under township organization) shall, in the next legal notice of the regular annual election, in such town, village or township, or of a special election called for that purpose, give notice that at such election every elector may vote "For a . . . mill tax for a free public library" or "Against a . . . mill tax for a free public library," specifying in such notice the rate of taxation mentioned in said petition: and if the majority of all the votes cast in such town, village or township shall be "For" the tax for the free public library, the tax specified in such notice shall be levied and collected in like manner with other general taxes of said town, village or township, and shall be known as the "Library Fund:" *Provided*, that such tax shall cease in case the legal voters of any such town, village or township shall so determine, by a majority vote, at any annual election held therein; and the corporate authorities of such towns or villages may exercise the same powers conferred upon the corporate authorities of cities under this act: *And, provided, further*, that whenever the petition, signed and filed with such clerk (or trustee of schools in counties not under township organization) as above provided, shall request the holding of a special election for the purpose of voting upon the proposition of authorizing the levy of said specified tax for a free public library, such clerk (or trustee of schools) shall promptly call such election in the manner provided by law for the calling of elections in such village, town or township.

§ 11. At the next regular election after any town, village or township shall have voted to establish a free public library, there shall be elected a library board of six directors, one-third for one year, one-third for two years, one-third for three years, and annually thereafter there shall be elected two directors who shall hold their office for three years and until their successors are elected and qualified, which board shall have the same powers as are by this act conferred upon the board of directors of free public libraries in cities: *Provided*, that the village council or board of trustees of any such village, or clerk of any such town or township, (or trustee of schools in counties not under township organization) may call a special election for the election of such first library board of six directors, after such town, village or township shall have voted to establish a free public library: *Provided, further*, that any person in said respective villages or townships authorized by law to vote at school elections, may be voted for and shall be eligible to hold the said office of director.

APPROVED May 16, 1905.

## LIBRARY EMPLOYEES' PENSION FUND.

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| <p>§ 1. Fund—how created.</p> <p>§ 2. "Employé" defined—withdrawals regulated.</p> <p>§ 3. Custodian of fund—bond--filing--breach.</p> <p>§ 4. Trustees of fund—powers and duties.</p> <p>§ 5. Trustees—how constituted--election.</p> <p>§ 6. Trustees—vacancy—powers and duties.</p> <p>§ 7. Beneficiaries of fund.</p> <p>§ 8. Benefit to widow or minor children.</p> <p>§ 9. Annuitants—retiring from service.</p> | <p>§ 9½. Beneficiaries to file statement of intent.</p> <p>§ 10. Retirement for disability.</p> <p>§ 11. Dismissals and resignations.</p> <p>§ 12. Monthly reports to treasurer of fund.</p> <p>§ 13. Annuities exempt from execution—as-<br/>signments prohibited.</p> <p>§ 14. Interference with enforcement of act—<br/>penalty.</p> <p>§ 15. Repeal.</p> <p>Approved May 12, 1905.</p> |
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AN ACT to provide for the formation and disbursement of a public library employes' pension fund in cities having a population exceeding 100,000 inhabitants.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the board of directors of public libraries organized under an act of the General Assembly of the State of Illinois, entitled, "An act to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading rooms," approved and in force March 7, 1872, and maintained thereunder in cities having a population exceeding one hundred thousand inhabitants, shall have power, and it shall be its duty, to create a public library employes' pension fund, which shall consist of amounts retained from the salaries or wages of employes as hereinafter provided, which amounts shall be deducted in equal monthly installments from such salaries or wages at the regular time or times of the payment thereof, and such other moneys derived from miscellaneous sources as the board of directors shall determine.

§ 2. The term "employé" under this act shall include all persons in the employ of the public library board receiving a stipulated salary per annum, and this act shall apply only to those employes who voluntarily accept and agree to comply with its provisions. Any employé, a part of whose salary may be set apart hereafter to provide for the fund created by this act, may be released from the necessity of making further payments to said fund by filing a written notice of his or her desire to withdraw from complying with the provisions of this act with the board of trustees hereinafter mentioned, which resignation shall operate and go into effect immediately upon its receipt by said board of trustees.

§ 3. The city treasurer, subject to the control and direction of the board of trustees hereinafter mentioned, shall be the custodian of said pension fund, and shall secure and safely keep the same, and shall keep books and accounts concerning said fund, in such manner as may be prescribed by the said board of trustees, which said books and accounts shall always be subject to the inspection of said board of trustees, or any member thereof. The city treasurer shall, within

ten days after his election or appointment, execute a bond to the city, with good and sufficient sureties, in such penal sum as the said board of trustees shall direct, which said bond shall be approved by the said board of trustees, and shall be conditioned for the faithful performance of the duties of said office, and that he will safely keep and well and truly account for all moneys belonging to said pension fund, and all interest thereon, which may come into his hands as such treasurer, and that upon the expiration of his term of office, or upon his retirement therefrom for any cause, he will surrender and deliver over to his successor all unexpended moneys, with such interest as he may have received thereon, and all property which may have come into his hands as treasurer of said pension fund. Such bonds shall be filed in the office of the city clerk of said city, and in case of a breach of the same, or the conditions thereof, suit may be brought on the same in the name of the said city for the use of said board of trustees, or any person or persons injured by such breach.

§ 4. The board of directors of such library shall, in the month of September, immediately following the passage of this act, arrange for the election of a board of trustees of said pension fund composed of five members, to be chosen as hereinafter provided, which election shall be held not later than October 31st of the same year. Said board of trustees shall have power, and it shall be its duty to administer said fund and to carry out the provisions of this act, and for the purpose of enabling such board of trustees to perform the duties imposed and exercise the powers created by this act, the board of trustees shall be, and is hereby declared to be a body politic and corporate.

§ 5. The said board of trustees shall consist of the president and secretary of the board of directors of such public library, two employes contributing to said fund and one other member of said board of directors. The president and secretary of such board of directors shall be *ex officio* members of such board of trustees. The three other members of such board of trustees shall be elected by ballot by the employes contributing to said fund at the time and for the terms respectively, as follows: At the first election the contributors to said fund shall elect one of their number to serve for the term of one year and one of their number to serve for the term of two years and annually thereafter said contributors shall elect one of their number to hold office for the term of two years. At each election the contributors shall elect a member of the board of directors of such public library to serve as a member of such board of trustees for a term of one year.

§ 6. Whenever any elective member of the board of trustees shall cease to be in the employ of or to be a member of said board of directors of such public library, his or her membership in said board of trustees shall cease.

Said board of trustees shall have power and it shall be its duty:

(1) To determine the amount which shall be deducted from the salaries or wages paid to employes for the benefit of said pension



fund: *Provided*, the amount of such deduction shall not be less than six dollars nor more than forty-eight dollars per year for each employé.

(2) To make all payments from said pension fund pursuant to the provisions of this act.

(3) To administer and invest in its discretion any part of the said pension fund remaining in the hands of said treasurer.

(4) To pay all necessary expenses in connection with the administration of said fund and in carrying out the provisions of this act for which provision is not otherwise made.

(5) To determine the amount to be paid as benefits or annuities under this act and to increase or reduce the same in its discretion: *Provided*, that no benefit or annuity shall exceed six hundred dollars per year.

(6) To take by gift, grant or bequest, or otherwise, any money or property of any kind and hold the same for the benefit of said fund.

(7) To purchase, hold, sell or assign and transfer any of the securities in which said fund or any part thereof may be invested, subject to the approval of the board of directors of such public library.

(8) To exempt any of said employés from the operation of this act, whenever in its judgment the interests of said fund shall render such exemption necessary and advisable.

(9) To fill any vacancy or vacancies in said board of trustees until the next annual election, as hereinbefore provided.

(10) To make and establish all such rules for the transaction of its business and such other rules, regulations and by-laws as may be necessary for the proper administration of said fund committed to its charge, and the performance of the duties imposed upon it.

(11) It shall keep full and complete records of its meetings and of the receipts and disbursements on account of such fund, and also complete lists of all contributors to said fund, and of all annuitants receiving benefits therefrom, and such other records as in its judgment shall seem necessary, and shall make and publish annually a full and complete statement of its financial transactions.

(12) Said board shall hear and determine all applications for benefits under this act, and shall have power to suspend any annuity whenever, in its judgment, the disability of such beneficiary has ceased, or for other good cause.

(13) To compromise, settle or liquidate any claim against said fund, by surrendering the contribution or contributions of any individual or individuals, and make the necessary rules, prescribing the terms under which such settlements may be made, providing there shall be no rule allowing restitution of deductions from salaries after the contributor shall have become eligible to an annuity under this act.

§ 7. Any contributor to said fund who shall have attained the age of fifty-five years, and shall have been in the service of said public library board for a period of ten years, and shall have contributed to

said fund for the same period, shall have the right to retire and become a beneficiary under this act, and to receive such benefit or annuity from said fund as shall be determined by said board of trustees, which said benefit or annuity shall be proportionate to the amount of the contributions of such employé.

§ 8. Upon the death of any contributor who is not nor has been a beneficiary under this act, the said board of trustees may pay an amount not exceeding one year's benefit to the widow, if any, of such deceased contributor, and if there be no widow, said board of trustees may expend said amount for the benefit of the minor children, if any, of such deceased contributor.

§ 9. Any person who has been an employé of said public library board for a period of twenty years or more, and is a contributor to said fund, may retire from the service of said public library board upon sixty days' notice to be given to said board of trustees (unless such notice is waived by said board of trustees), and become an annuitant under this act: *Provided*, such person shall have contributed to said fund for a period of not less than five years, or shall at the time of becoming a contributor pay into the fund the equivalent of five years' contribution thereto.

§ 9½. Every person who is in the employ of the board of directors of such library when this law goes into effect and who intends to become a beneficiary of the pension fund created thereby shall, on or before the fifteenth day of November succeeding the election of said board of trustees, file a statement of such intent with said board upon blanks prepared for that purpose. Every person who enters the service of the board of directors of such library after this law has taken effect and who intends to become a beneficiary under this act shall within six months after such entry file a statement of such intent with said board of trustees upon blanks prepared for that purpose: *Provided*, any person in the employ of the board of directors of such library who may have failed or neglected to file within the specified time said intention to become a beneficiary under this act may do so at any time by paying into said pension fund an amount equivalent to the contributions which would have been paid to that date had the person become a contributor at the time the law became effective or at the date of his entry into the service of the board of directors of such library.

§ 10. Any person who has contributed to said fund for a period of ten years or more may retire from the service of said public library board on account of serious disability, rendering him or her unable to properly discharge his or her duties, upon ninety days' notice to be given to said board of trustees (unless such notice is waived by said board of trustees) and may become an annuitant under this act, and shall thereupon be entitled to receive for a period of two years (which may be extended upon proof of continued disability) such part of the annuity then allowed under the rules, as said trustees may determine.

§ 11. Any employé who has been contributing to said fund and who shall be dismissed or resign from the service of said public library board, may, upon application made within three months after date of such dismissal or resignation, receive one-half of the total amount paid into said fund by such person so dismissed.

§ 12. The president and secretary of the public library board shall certify monthly to the treasurer all amounts deducted in accordance with the provisions of this act from the salaries paid by the public library board, which amounts as well as all other sums contributed to said fund under the provisions of this act, shall be set apart and held by said treasurer for the purpose hereinbefore specified, subject to the order of said board of trustees and shall be paid out upon warrants signed by the president and secretary of said board of trustees.

§ 13. All annuities granted under the provisions of this act shall be exempt from attachment and garnishment process and no annuitant shall have the right to transfer or assign his or her annuity, either by way of mortgage or otherwise.

§ 14. Any person who shall, directly or indirectly, avoid or seek to avoid any or all the provisions of this act or who shall, directly or indirectly, interfere with or obstruct the enforcement of any of the provisions of this act, shall be guilty of a misdemeanor and shall, on conviction thereof, be punished by a fine of not less than fifty dollars and not exceeding one thousand dollars, or by imprisonment in the county jail for a term not exceeding six months, or both such fine or imprisonment in the discretion of the court.

§ 15. All laws and parts of laws which are inconsistent with this act or any provision thereof are hereby repealed.

APPROVED May 12, 1905.

#### TOWNSHIP LIBRARIES.

§ 1. Borrowing money for library purposes.

§ 2. Issuing bonds for library purposes.

§ 3. Deposit of money—registration of bonds—canceling bonds when paid.

§ 4. Election for borrowing money—form of notice.

§ 5. Judges of election—oath.

§ 6. Returns of election—how made—failure to return poll book—penalty.

§ 7. Refunding bonds.

§ 8. Certificate for tax levy.

§ 9. Duties of county clerk as to tax levy.

Approved May 18, 1905.

*AN ACT to enable boards of directors of public libraries to borrow money for the erection or improvement of library buildings or to purchase library sites.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That for the purpose of erecting, repairing or improving library buildings, or purchasing sites for library buildings, the directors of any township library, organized

under the laws of this State, when thereunto authorized by majority of all the votes cast at an election called for that purpose, may borrow money, and may issue bonds therefor, in the sums of not less than one hundred dollars (\$100), bearing interest at a rate not exceeding six per centum per annum, and for a term not to exceed twenty years: *Provided*, that the sum borrowed in any one year shall not exceed five per centum (including existing indebtedness) of the taxable property of the township, to be ascertained by the last assessment for State and county taxes previous to the incurring of such indebtedness.

§ 2. All bonds authorized to be issued by virtue of the foregoing section, before being so issued, negotiated and sold, shall be signed by the president and secretary of such board of directors, and shall be registered, numbered and countersigned by the supervisor of the township wherein such library is located. Such registry shall be made in a book to be kept for that purpose, and in such register shall be first entered the record of the election authorizing the directors to borrow money, and then a description of the bonds issued by virtue of such authority, as to number, date, to whom issued, amount, rate of interest, and when due.

§ 3. All moneys borrowed under the authority granted by this act shall be paid to the supervisor of the township wherein the bonds issued therefor are required to be registered, and upon receiving such moneys, the supervisor shall deliver the bond or bonds issued therefor, to the parties entitled to receive the same, and shall credit the sums received to the library fund of township issuing the bonds. The said supervisor of said township shall enter in the said bond register the exact amount received for each and every bond issued. And when any such bonds are paid, the supervisor shall cancel the same and shall enter in the said bond register against the record of such bonds, the words, "Paid and canceled the.....day of ..... A. D.....," filling the blanks with day, month and year corresponding with the date of such payment.

§ 4. Whenever it is desired to hold an election for the purpose of borrowing money as provided for in this act the board of directors of the public library of such township shall give at least ten days notice of the holding of such election by posting notices in at least five of the most public places in said township and also by publishing such notice at least once in some newspaper published in said township, if any such there be. Such notices shall specify the place where such election is to be held, the time of opening and closing the polls (which shall be not less than four consecutive hours), and the question or proposition to be voted upon, which notice of election may be substantially in the following form, viz:



## NOTICE OF ELECTION.

Public notice is hereby given that on the.....day of.....A. D...., an election will be held at.....in.....township, being township No.....range.....of the principal meridian in.....county in Illinois, for the purpose of voting "For" or "Against" the proposition to issue the bonds of said township to the amount of....dollars due (here insert the times of payment, giving the amount falling due each year, if the bonds mature at different dates) which bonds are to bear interest at the rate of.....per cent. per annum, payable.....annually.

The polls of said election will be open from.....o'clock....M. until .....o'clock....M.

Dated this.....day of.....A. D....

Board of Directors of.....Public Library.

.....  
*President.*

.....  
*Secretary.*

§ 5. At such election two of the directors of such library shall act as judges and one of said directors shall act as clerk. In case either or any of said directors shall fail, from any cause, to be present or to act at such election, at the time of opening the polls therefor, the legal voters assembled shall choose from their number two persons to act as two judges and a clerk of such election. The said judges and the said clerk shall take and subscribe the oath required of judges and clerks of an election held for State and county officers, and such oath shall be administered in the same manner as is or may be provided for administering oaths to judges and clerks at a State or county election. At such election all votes shall be by ballot.

§ 6. Within ten days after every such election the judges shall cause the poll book to be returned to the town clerk of the township in which such library is located with a certificate thereon showing the result of such election, which poll book shall be filed and safely kept by the said town clerk, and shall be evidence of such election. For a failure to return such poll book to said town clerk within the time prescribed, the judges and clerk of such election shall severally be liable to a penalty of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100), to be recovered in a suit in the name of the People of the State of Illinois, before any justice of the peace, and when collected shall be added to the library fund of the township in which such library is located.

§ 7. In all cases where any board of directors of any township library have issued or may hereafter issue bonds, or other evidence of indebtedness for money on account of any public library building, or for the improvement thereof, which remain outstanding and which are properly authorized by law, such board of directors may, upon the surrender of any such bonds or other evidence of indebtedness, or any number thereof, issue in place or in lieu thereof,

or to take up the same to the holders or owners of the same, or to other persons for money with which to take up the same, new bonds or other evidences of the indebtedness in such form, of such amount, upon such time, not exceeding the term of twenty years, and drawing such rate of interest, not exceeding six per centum per annum, as may be determined upon, and such new bonds or other evidences of indebtedness so issued shall show that they are issued under this act: *Provided*, that the issue of such new bonds in lieu of such indebtedness shall be authorized by the legal voters of such township voting at an election called and conducted as other elections provided for in section 4 of this act: *And, provided, further*, that such bonds or other evidences of indebtedness shall not be issued so as to increase the aggregate indebtedness of such township beyond five per centum of the value of the taxable property therein, to be ascertained by the last assessment for State and county taxes, prior to the issuing of such bonds or other evidences of indebtedness.

§ 8. The board of directors of the public library of any township, which shall have issued bonds pursuant to the provisions of this act, shall, on or before the first Tuesday in August, of each year, ascertain as near as practicable, the amount of money which must be raised by special taxation for the ensuing year, for the purpose of paying the interest upon such bonds and the principal thereof, as they shall respectively become due; and shall cause the same to be certified, under the hands of the president and secretary of such board of directors, and filed in the office of the county clerk of the county in which library is situated, on or before the second Monday in August of each year, which certificate may be substantially in the form following:

We hereby certify that the board of directors of the.....Public Library have determined that they will require the sum of.....dollars (\$....), to be levied as a special tax upon the taxable property of.....township, for the year A. D...., for the purpose of paying the bonds of said township and the interest thereon.

Given under our hands, this.....day of.....A. D....

Board of directors of.....Public Library.

.....  
President.

.....  
Secretary.

§ 9. It shall be the duty of the county clerk when making out the tax books for the collector to compute each taxable person's taxes in such township upon the total amount of taxable property as equalized by the State Board of Equalization for that year, whether belonging to residents or non-residents, and also each and every tract of land assessed by the assessor, which lies in such township. Such computation shall be made so as to realize the amount of money required to be raised in such township, as shown and set forth in the certificate of tax levy, made out by the board of directors of such public library and filed with the said county clerk as required by the

provisions of this act. The said county clerk shall cause each person's tax so computed to be set upon the tax books, to be delivered to the collector for that year in a separate column, against each taxpayer's name, or parcel of taxable property, as it appears in said collector's books, to be collected in the same manner and at the same time and by the same persons as State and county taxes are collected. The computation of each person's tax and the levy made by the clerk, as aforesaid, shall be final and conclusive: *Provided*, that the rate shall be uniform and shall not exceed that required by the amount certified by the board of directors as aforesaid, together with the estimated cost of extending and collecting the same.

APPROVED May 18, 1905.

## MARRIAGES.

### REVISION OF MARRIAGE LAWS.

§ 1. Amends sections 3, 4, 6, 13, and 15, act of 1874.

§ 3. Requirements as to age.

§ 4. Who may celebrate—common law marriage.

§ 6. License—duty of county clerk—affidavits—penalty.

§ 13. Illegal license—penalty.

§ 15. Illegal ceremony—penalty.

Approved May 13, 1905.

AN ACT to amend sections three (3), four (4), six (6), thirteen (13) and fifteen (15) of an act entitled, "An act to revise the law in relation to marriages," approved February 27, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections three (3), four (4), six (6), thirteen (13) and fifteen (15) of an act entitled "An act to revise the law in relation to marriages," approved February 27, 1874, in force July 1, 1874, be and the same are hereby amended so as to read as follows:

§ 3. Male persons of the age of 21 years and upwards, and female persons of the age of 18 years and upwards, may contract and be joined in marriage: *Provided*, that a male person of eighteen years of age and upwards or a female person sixteen (16) years of age and upwards may contract a legal marriage if the parent or guardian of such person shall appear before the county clerk in the county where such minor person resides, and shall make affidavit that he or she is the parent or guardian of said minor and give consent to the marriage. Such parent or guardian shall, when giving consent to such marriage, make affidavit as to the date and place of birth, and place of residence of such minor and shall submit such proof of such

minor's age as the county clerk may deem necessary to comply with the purposes of this act: *Provided, further*, that this act shall not repeal any act or portion of an act entitled, "An act concerning bastardy."

§ 4. Marriages may be celebrated either by a regularly ordained minister of the gospel in regular standing in the church or society to which he belongs, by a judge of any court of record, by a justice of the peace, by any superintendent of any public institution for the education of the deaf and dumb in this State, or if the parties, or either of them, are members of the religious society known as Friends or Quakers, they may lawfully be married by making known their intentions to marry to a standing committee of any official meeting at least one week before such marriage is consummated, and by appearing in a public meeting or private gathering before official witnesses of said body, with a certificate duly setting forth the names and residence of each contracting party, and of the parents of each, if living, which said certificate shall be signed by the contracting parties and the official witnesses and shall be publicly read by one of the witnessing parties, and afterwards duly recorded upon the records of an organized meeting of said society: *Provided, however*, that all marriages commonly known as "common law marriages" hereafter entered into shall be and the same are hereby declared null and void unless after the contracting and entering into of any such common law marriage a license to marry be first obtained by such parties who have entered into such common law marriage and a marriage be solemnized as provided by this act in the same manner as is provided for persons who have obtained a license to be joined in marriage and are about to be joined in any such marriage. And any children born to parties who have entered into such common law marriage shall be and are deemed legitimate upon the parents having obtained a license to marry and are married in the manner provided in this act.

§ 6. Persons intending to be joined in marriage, shall before their marriage obtain a license from the county clerk of the county where such marriage is to take place, anything in any general or special law of this State to the contrary notwithstanding. For the purpose of ascertaining the age of the parties and the legality of the contemplated marriage, the county clerk shall obtain an affidavit of the party applying for the license (who must be one of the parties to the contemplated marriage) and such county clerk may, if he deems proper, obtain the affidavit of both parties to the contemplated marriage, and of any other person or persons, and any applicant for any such license, and any person or persons who are about to be married under any such license or any other person making any such affidavit above mentioned who shall wilfully and knowingly swear falsely as to any material matter in any such affidavit, or to the age of either of the parties to the contemplated marriage, where such age is material, and the county clerk is thereby induced to issue a marriage license permitting persons to be joined in marriage who are legally incapable or who have not the right to be joined in marriage, shall be punished by



a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment.

§ 13. If any county clerk shall knowingly issue a license for the marriage of persons who are legally incapable of contracting a marriage, he shall be deemed guilty of a misdemeanor, and upon conviction, be punishable by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each and every offense.

§ 15. If any person who is authorized by law to perform a marriage ceremony shall perform the same without a license having first been obtained therefor, as provided by law, he or they shall, for every such offense, forfeit and pay one hundred dollars (\$100), to be recovered in the name of the people of the State in an action of debt in any court of competent jurisdiction: *Provided*, this section shall not apply where the intention of the parties to marry has been published, as required in section six (6) of this act.

APPROVED May 13, 1905.

## MEDICINE AND SURGERY.

### BOARD OF DENTAL EXAMINERS CREATED.

§ 1. Creation of board—appointments by Governor—eligibility—term of office—vacancy.

§ 2. Organization of board.

§ 3. License to practice—fees—examinations.

§ 4. Board to make rules and regulations.

§ 5. Dental surgery defined.

§ 6. Registration of licenses.

§ 7. Revocation of licenses.

§ 8. Failure to obtain licenses—forfeiture—restoration.

§ 9. License fees fixed—application of fees.

§ 10. Frauds and forgeries—penalty.

§ 11. Practicing dentistry without license—penalty.

§ 12. Licenses signed by whom.

§ 13. Repeal.

Approved May 18, 1905.

*AN ACT to regulate the practice of dental surgery and dentistry in the State of Illinois, and to repeal an act therein named.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That a Board of Examiners, to consist of five practicing dentists, to be known as the Illinois State Board of Dental Examiners, is hereby created, whose duty it shall be to carry out the purposes and enforce the provisions of this act, as hereinafter specified. The members of said board shall be appointed by the Governor, and at the time of their appointment upon said board, must be actual residents of the State and must have been, for a period of five years or more, legally licensed to practice dentistry or dental surgery in this State: *Provided, however*, that no person shall be eligible to appointment to said board who is in any way connected with or interested in any dental college or dental department

of any institution of learning. The term for which the members of said board shall hold office shall be five years: *Provided*, that the members of the dental board, in office at the time of the passage of this act, shall be permitted to serve out their respective terms of office for which they were appointed, and until their successors shall be duly appointed. In case of a vacancy occurring on said board, such vacancy shall be filled by the Governor, as herein provided.

§ 2. Said board shall choose one of its members president and one secretary thereof, and it shall meet at least once in each year, and oftener, if necessary, in the discretion of the board, and at such times and places as it may deem proper. A majority of the members of said board shall, at all times, constitute a quorum, for the transaction of the business of the board, and the proceedings thereof shall, at all reasonable times, be open to public inspection.

§ 3. No person, unless previously registered or licensed to practice dentistry in this State at the time this act shall become operative, shall begin the practice of dentistry or dental surgery, or any branches thereof, without first applying for and obtaining a license for such purpose from the Illinois State Board of Dental Examiners. Application shall be made to said board in writing, and shall, in every instance, be accompanied by the examination fee of twenty dollars (\$20), together with satisfactory proof that the applicant is of good moral character and twenty-one years of age or over at the time of making the application. Application from a candidate who desires to secure a license from said board to practice dentistry or dental surgery in this State shall be accompanied by satisfactory proof that the applicant so applying for a license has been engaged in the actual, legal and lawful practice of dentistry or dental surgery in some other state or country for five consecutive years just prior to application; or is a graduate of and has a diploma from the faculty of a reputable dental college, school or dental department of a reputable university; or is a graduate of and has a diploma from the faculty of a reputable medical college or medical department of a reputable university, and possesses the necessary qualifications prescribed by the board. When such application and the accompanying proofs are found satisfactory, the board shall notify the applicant to appear before it for examination at a time and place to be fixed by the board. Examination may be made in whole or in part, orally or in writing at the discretion of the board, and shall be of a character as to test the qualification of the applicant to practice dentistry or dental surgery. All examinations provided for in this act shall be conducted by the board, which shall provide for a fair and wholly impartial method.

§ 4. Said board of dental examiners shall make rules or regulations to establish a uniform and reasonable standard of educational requirements to be observed by dental schools, colleges or dental departments of universities, and said board may determine the reputation of those by reference to their compliance with said rules or regulations.

§ 5. Any person shall be regarded as practicing dentistry or dental surgery within the meaning of this act, who shall treat, or profess to treat any of the diseases or lesions of human teeth or jaws or extract teeth or shall prepare and fill cavities in human teeth or correct the malposition of teeth or supply artificial teeth as substitutes for natural teeth: *Provided*, that nothing in this act shall be so construed as to prevent regularly licensed physicians or surgeons from extracting teeth. Further, this act shall not prevent students from performing dental operations under the supervision of competent instructors within a dental school, college or dental department of a university recognized as reputable by the Illinois State Board of Dental Examiners.

§ 6. Any person licensed to practice dentistry or dental surgery in this State by the Illinois State Board of Dental Examiners, as hereinbefore provided, shall personally and within ninety days from date of issue, cause such license to be registered with the county clerk of such county or counties in which such person desires to engage in the practice of dentistry or dental surgery, and the county clerks of the several counties of this State shall charge for registering such license, a fee of twenty-five (25) cents for each registration: *And, it is hereby provided, further*, that every person who engages in the practice of dentistry or dental surgery in this State, shall cause his or her license to be registered with the county clerk before beginning the practice of dentistry in said county, and to be at all times, displayed in a conspicuous place, in his or her office wherein he or she shall practice such profession, and shall further, whenever requested, exhibit such license to any of the members of the said board or its authorized agent.

§ 7. The board may refuse to issue the license provided for in this act, or may revoke such license, if issued to individuals who have, by false or fraudulent representations, obtained or sought to obtain practice; or by false or fraudulent representations obtained or sought to obtain money or any other thing of value, or have practiced under names other than their own, or for any other dishonorable conduct. The board, when written charges have been filed with its secretary, and seem sustained by proof, shall fix a time and place for the examination of a person so charged and shall give written notice to the said person of the time and place and furnish him with a copy of the charges, at least twenty days prior to the date fixed for the examination.

§ 8. Any failure, neglect or refusal on the part of any person obtaining a license to practice dentistry or dental surgery from the said board, to register such license with the county clerk of some county in this State, as above directed, within ninety days from the date of issue of the same, shall work a forfeiture of such license, and no license when once forfeited, shall be restored, except upon payment to the said board of the sum of fifteen dollars (\$15) for such neglect, failure or refusal to register such license and the surrender of forfeited license.



§ 9. In order to provide the means for carrying out and enforcing the provisions of this act, the said board shall charge each person applying to it for examination for a license to practice dentistry or dental surgery in this State, an examination fee of twenty dollars (\$20), and in addition thereto a license fee of five dollars (\$5), for every license or duplicate license issued by said board, and out of the funds coming into the possession of the board under the provisions of this act, the members of the said board shall each receive as compensation the sum of ten dollars (\$10) for each day actually engaged in the duties of the office and all legitimate and necessary expense incurred in attending the meetings of the said board: *Provided*, that the secretary of the board, for the purpose of enforcing the provisions of this act, shall receive a salary to be fixed by the board, instead of the per diem of ten dollars (\$10). All expenses shall be paid from the fees, fines and penalties received and recovered by the board under the provisions of this act: *Provided*, that no part of said expense shall be paid out of the State treasury. All moneys received in excess of said per diem allowance and other expenses herein provided shall be held by the secretary of the said board as a special fund for meeting expenses of said board, and said board shall make an annual report of its proceedings to the Governor by the 15th day of December of each year, together with an account of all moneys received and disbursed by them pursuant to this act.

§ 10. Any person filing or attempting to file as his own the diploma or license of another, or a forged affidavit of identification or qualification, shall be deemed guilty of a felony, and upon conviction thereof, shall be subject to such fine and imprisonment as is made and provided by the statutes of this State for the crime of forgery.

§ 11. Any person who shall practice dentistry in this State without being registered or without a license for that purpose, or violates any of the provisions of this act, shall be subject to prosecution before any court of competent jurisdiction upon complaint, information or indictment, and shall upon conviction, be fined for each offense in any sum not less than fifty dollars (\$50) nor more than two hundred dollars (\$200). All fines imposed and collected under this act shall be paid to the Illinois State Board of Dental Examiners for its use.

§ 12. All licenses issued by the said board shall be signed by all of the members thereof, and be attested by its president and secretary.

§ 13. An act to insure the better education of practitioners of dental surgery, and to regulate the practice of dentistry in the State of Illinois, approved May 30, 1881, and in force July 1, 1881, and all other acts and parts of acts amendatory thereto, are hereby repealed: *Provided, however*, that such repeal shall in no wise affect any suit, prosecution or court proceeding pending at the date of the passage of this act.

APPROVED May 18, 1905.



## MILITIA.

## NAVAL RESERVE—ARMORY, CHICAGO.

Preamble.

§ 1. Authorizes reconstruction of boat house,  
Chicago.

§ 2. Contracts for labor, material, building,  
etc., authorized.

§ 3. Control of building regulated.

Approved May 12, 1905.

AN ACT *to authorize the construction of a building for an armory and boat-house at Chicago for the Illinois Naval Reserve.*

WHEREAS, The State of Illinois has been paying an annual rental of \$3,500.00 per year for more than ten years for a portion of the building at number twenty Michigan avenue, Chicago, for use as an armory for the Illinois Naval Reserve, which premises have become inadequate for the purpose, and are liable to be torn down, and in addition \$780.00 for annex quarters for two divisions which cannot be accommodated in the present armory; and

WHEREAS, The boat house of the Illinois Naval Reserve erected on piles in the water of the harbor basin in Chicago, Illinois, east of and adjoining the sea wall of the city front near the foot of Randolph street, and occupied by the Illinois Naval Reserve for many years past, under authority conferred by the United States Government, the State of Illinois, and the permission of the City of Chicago, has become so impaired by storms and lapse of time, as to be dangerously insecure; and,

WHEREAS, It has become necessary to repair said structure and for the proper efficiency of the public service to enlarge the same; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Governor of Illinois, the Adjutant General of the State of Illinois, and the Commander of the Illinois Naval Reserve, are hereby authorized and empowered when the money necessary for the purpose shall have been raised by private subscription to plan, construct, occupy and control an enlargement and reconstruction of the present boat house of the Illinois Naval Reserve on piles to be driven in the water to the east and south of the present structure within an area not to exceed two hundred (200) feet, by three hundred (300) feet, as shown by the plat filed in the office of the Adjutant General of the State of Illinois.

§ 2. Said three officers shall make and authorize to be made the necessary contracts for the labor, material, building, fitting, equipping and furnishing of said structure necessary to properly accomplish the purposes of this act.

§ 3. After the completion of said enlarged structure, the said three officers shall permanently retain control thereof and use the same as a boat house and armory for the Illinois Naval Reserve and other military purposes.

APPROVED May 12, 1905.

## MINES AND MINING.

## EXAMINATION OF MINES.

§ 1. Amends section 18, ¶ (a) act of 1899.

Approved May 13, 1905.

§ 18(a). Examiners duties—air measurements required—record of date of visit.

AN ACT to amend section eighteen (18), paragraph a, of an act entitled, "An act to revise the laws in relation to coal mines, and subjects relating thereto, and providing for the health and safety of persons employed therein," approved April 18, 1899, in force July 1, 1899.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 18, paragraph (a) of an act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein, approved April 18, 1899, in force July 1, 1899, be and the same is hereby amended so as to read as follows:

§ 18. TO ENTER AND EXAMINE ALL PLACES.] (a) A mine examiner shall be required at all mines. His duty shall be to visit the mine before the men are permitted to enter it, and, first, he shall see that the air-current is traveling in its proper course and in proper quantity. In order to correctly determine the quantity of air in circulation in different portions of the mine it is hereby made his duty to measure with an instrument for that purpose, the amount of air passing in the last cross-cut or break through of each pair of entries, or in the last room of each division in a long wall mine, and at all other points where he deems it necessary, the same to be noted in the daily book kept for that purpose. He shall then inspect all places where men are expected to pass or to work and observe whether there are any recent falls or obstructions in rooms or roadways, or accumulations of gas or other unsafe conditions. He shall especially examine the edges and accessible parts of recent falls and old gobs and air-courses. As evidence of his examination of all working places, he shall inscribe on the walls of each, with chalk, the month and the day of the month of his visit.

APPROVED May 13, 1905.

## INSPECTION DISTRICTS—BOUNDARIES.

§ 1. Amends section 11, act of 1899.

Approved May 13, 1905.

§ 11. Creation of districts—changes of boundaries.

AN ACT to amend section eleven (11) of an act entitled, "An act to revise the laws in relation to coal mines, and subjects relating thereto, and providing for the health and safety of persons employed therein," approved April 18, 1899, in force July 1, 1899.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section eleven (11) of an act entitled "An act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein," approved April 18, 1899, in force July 1, 1899, be amended to read as follows:

§ 11. BOUNDARIES.] The State shall be divided into ten inspection districts, said divisions to be made by the Commissioners of Labor. They may also change from time to time the boundaries of said districts in order to more equally distribute the labors and expenses of the several mine inspectors, but this provision shall not be construed as authorizing the Commissioners of Labor to increase the number of districts.

APPROVED May 13, 1905.

## INSPECTORS AND INSPECTION DISTRICTS.

§ 1. Amends section 7, act of 1899.

Approved May 12, 1905.

§ 7. Appointment of inspectors—term—qualifications.

AN ACT to amend section seven (7) of an act entitled, "An act to revise the laws in relation to coal mines, and subjects relating thereto, and providing for the health and safety of persons employed therein," approved April 18, 1899, in force July 1, 1899.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section seven (7) of an act entitled, "An act to revise the laws in relation to coal mines and subjects relating thereto and providing for the health and safety of persons employed therein," approved April 18, 1899, in force July 1, 1899, be amended to read as follows:

§ 7. INSPECTORS APPOINTED.] From those so named, the Governor shall select and appoint ten State inspectors of mines: that is to say, one inspector for each of the ten inspection districts provided for in this act; or more, if, in the future, additional inspection districts shall be created, and their commissions shall be for a term of two years from October first: *Provided*, that any one who has satis-

factorily passed two of the State examinations for inspectors, and who has served acceptably as State inspector for two full terms, upon making written application to the board setting forth the facts, shall also be certified to the Governor as a person properly qualified for appointment; but no man shall be eligible for appointment as a State inspector of mines who has any pecuniary interest in any coal mine, either as owner or employé.

APPROVED May 12, 1905.

#### MINORS AND WOMEN IN MINES.

§ 1. Amends section 22, act of 1899.

Approved May 13, 1905.

§ 22. Boys under 16 and all girls and women prohibited from working in mines.

AN ACT to amend section twenty-two (22) of an act entitled, "An act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein," approved April 18, 1899, in force July 1, 1899.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section twenty-two (22) of an act entitled "An act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein," approved April 18, 1899, in force July 1, 1899, be amended to read as follows:

§ 22. BOYS AND WOMEN.] No boy under the age of sixteen years, and no woman or girl of any age, shall be permitted to do any manual labor in or about any mine, and before any boy can be permitted to work in any mine he must produce to the mine manager or operator thereof an affidavit from his parent or guardian, or next of kin, sworn and subscribed to before a justice of the peace or notary public, that he, the said boy, is sixteen years of age.

APPROVED May 13, 1905.

#### OIL OR GAS WELLS.

§ 1. Abandoned wells—treatment prescribed.

§ 4. Violations of act—penalty.

§ 2. Affidavit filed with recorder.

§ 5. Emergency.

§ 3. Provides for casing.

Approved May 16, 1905.

AN ACT in relation to sinking, filling and operating of oil or gas wells.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That before the casing shall be drawn from any well for the purpose of abandonment thereof, which has been drilled into any gas or oil-bearing rock, it shall be the duty of any person, firm or corporation having the custody or control of such well at the time of such abandonment, and also the owner or owners of the land wherein such well is situated, to properly and



securely stop and plug the same in the following manner: Such hole first be solidly filled from the bottom thereof to a point at least twenty feet above such gas or oil-bearing rock, with sand, gravel or pulverized rock, immediately on the top of which filling shall be seated a dry wood plug not less than two feet in length, having a diameter of not less than one-fourth of an inch less than the inside diameter of the casing in such well. Above such wooden plug such well shall be solidly filled for at least twenty-five feet with the above mentioned filling material, immediately above which shall be seated another wood plug of the same kind and size as above provided, and such well shall again be solidly filled for at least twenty-five feet above such plug with such filling material. After the casing has been drawn from such well there shall immediately be seated at the point where such casing was seated a cast-iron ball or tapered wood plug at least two feet in length, the diameter of which ball or the top of which wood plug shall be greater than that of the hole below the point where such casing was seated, and above such ball or plug such well shall be solidly filled to top of well with aforesaid material.

§ 2. The person, firm or corporation owning or having control or custody of any such well, or the land in which any such well is situated, shall file or cause to be filed in the office of the recorder of the county in which any such well is located, within fifteen days after the same has been plugged, as provided in section 1, the affidavit of at least two persons who were present during the plugging of such well, which affidavit shall be recorded in the record books in the office of the recorder of such county, and shall set out in detail the manner in which such well was plugged and the depth of each such wood plugs and iron ball below the surface of the ground, and the record of such affidavit shall be *prima facie* evidence in any court of a compliance with the provisions of this act.

§ 3. It shall be the duty of any person, firm or corporation sinking a well in any oil or gas-bearing rock, or having sunk such well and maintaining the same, to case off and keep cased off all fresh water from such well.

§ 4. Any person, firm or corporation that shall in any manner fail or refuse to plug a well in the time and manner provided in section 1 of this act, or shall fail or neglect to secure and file in the proper recorder's office the affidavit provided for and required in section 2 of this act, or shall fail and neglect to properly case off fresh or salt water from such well and keep the same cased off while said well is maintained, as provided in section 3 of this act, shall be liable to a penalty of one hundred dollars (\$100) for each and every violation thereof, and the further sum of one hundred dollars (\$100) for each ten days during which such violation shall continue, and all such penalties shall be recoverable in a civil action brought in any court of competent jurisdiction in any county in which said violation occurred, brought in the name of the State of Illinois on the relation of such county, and for the use and benefit of such county, and in all such cases, if there be recovery by the State, it shall recover in addition to such penalties a reasonable attorney's fee.

§ 5. WHEREAS, An emergency exists for the immediate taking effect of this act; therefore, the same shall be in force and effect from and after its passage.

APPROVED May 16, 1905.

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SHOT FIRERS IN MINES.

§ 1. In what mines shot firers are required—  
qualifications.

§ 2. Duties of shot firers.

§ 3. Duties of superintendent or manager.

§ 4. Violations of act—penalty.

Approved May 18, 1905.

AN ACT *providing that operators of mines shall furnish shot firers in mines where shooting and blasting is done.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* In all mines in this State where coal is blasted, and where more than two pounds of powder is used for any one blast; and, also, in all mines in this State where gas is generated in dangerous quantities, a sufficient number of practical, experienced men, to be designated as shot firers, shall be employed by the company, and at its expense, whose duty it shall be to inspect and do all the firing of all blasts, prepared in a practical, workmanlike manner in said mine or mines.

§ 2. That shot firers shall, immediately after the completion of their work, post a notice in a conspicuous place at the mine, in which shall be indicated the number of shots fired; also the number of shots they did not fire, if any, specifying the number of the room and designation of the entry, and giving reasons for not firing same. In addition they shall also keep a daily permanent record in which shall be entered the number of shots or blasts fired, the number of shots or blasts failing to explode, and the number of shots or blasts that in their judgment were not properly prepared and which they refused to fire, giving reasons for same; the record to be in the custody of the mine manager and to be available for inspection at all times by parties interested.

§ 3. The superintendent or mine manager shall not permit the shot firers to do any blasting, exploding of blasts, or to do any firing whatever, until each and every miner and employé is out of the mine except the shot firers.

§ 4. Any wilful neglect, refusal or failure to do the things required to be done by any section, clause or provision of this act on the part of the person or persons herein required to do them, or any violation of any of the provisions or requirements hereof, or any attempt to obstruct or interfere with any person in the discharge of the duties herein imposed upon them, or any refusal to comply with the provisions of this act, shall be deemed a misdemeanor, punishable by a fine not less than one hundred dollars, and not to exceed two hundred dollars, or by imprisonment in the county jail for a period not

exceeding three months, or both, at the discretion of the court: *Provided*, that whoever shall discover that any section of this act, or part thereof, is being neglected or violated shall report same to the superintendent of the mines and ask immediate compliance therewith; and in the case of continued failure to comply shall, through the State's attorney, or any other attorney in case of his failure to act promptly, take the necessary legal steps to enforce compliance therewith through the penalties herein prescribed.

APPROVED May 18, 1905.

#### SIGNALING IN MINES.

§ 1. Amends section 23, act of 1899.

Approved May 13, 1905.

§ 23. Means of signaling and code of signals prescribed — additions to code.

AN ACT to amend section 23 of an act entitled, "*An act to revise the laws in relation to coal mines, and subjects relating thereto, and providing for the health and safety of persons employed therein*," approved April 18, 1899, in force July 1, 1899 [be amended so as to read as follows:]

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 23 of an act entitled "*An act to revise the laws in relation to coal mines, and subjects relating thereto and providing for the health and safety of persons employed therein*," approved April 18, 1899, in force July 1, 1899, be amended so as to read as follows:

§ 23. At every mine operated by shaft and steam power, the means of signaling to and from the bottom man, the top man, and the engineer, shall consist of a tube, or tubes, or wire encased in wood or iron pipes, through which signals shall be communicated by electricity, compressed air or other pneumatic devices or ringing of a bell. The following signals are provided for use at mines where signals are required:

FROM THE BOTTOM TO THE TOP.]—One ring or whistle shall signify to hoist coal or the empty cage, and also to stop either when in motion.

Two rings or whistles shall signify to lower cage.

Three rings or whistles shall signify that the men are coming up; when return signal is received from the engineer, men will get on the cage and the cager shall ring or whistle one to start.

Four rings or whistles shall signify to hoist slowly, implying danger.

Five rings or whistles shall signify accident in the mine and a call for a stretcher.

Six rings or whistles shall call for a reversal of the fan.

FROM TOP TO BOTTOM.]—One ring or whistle shall signify: All ready, get on cage. Two rings or whistles shall signify: Send away empty cage.

*Provided*, that the operator of any mine may, with the consent of the inspector, add to this code of signals in his discretion, for the purpose of increasing its efficiency or of promoting the safety of the men in said mine, but whatever code may be established and in use at any mine, must be conspicuously posted at the top and at the bottom, and in the engine room, for the information and instruction of all persons concerned.

APPROVED May 13, 1905.

#### STATE MINING BOARD—ORGANIZATION AND SALARY.

§ 1. Amends section 10, of mining act.

Approved May 16, 1905.

§ 10. State Mining Board—compensation — engineer — secretary —  
—how salary and expenses are drawn.

AN ACT to amend section ten (10) of an act entitled, "An act to revise the law in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section ten (10) of an act entitled, "An act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein," be amended so as to read as follows:

§ 10. The members of the State Mining Board, except the mining engineer, shall receive as compensation for their services the sum of \$5 each per day, for a term not exceeding one hundred days in any one year; the member performing the duties of mining engineer, on account of additional work, shall receive \$5 per day for a term not exceeding one hundred and twenty-five days in any one year, and whatever sums are necessary to reimburse them for such traveling expenses as may be incurred in the discharge of their duties.

The salary of the secretary shall be \$1,500 per annum, and he shall be reimbursed for any amounts expended for actual and necessary traveling expenses in the discharge of his duties. All such salaries and expenses of the board and of its secretary shall be paid upon vouchers duly sworn to by each and approved by the president of the board, and by the Governor, and the Auditor of Public Accounts is hereby authorized to draw his warrants on the State Treasurer for the amounts thus shown to be due, payable out of any money in the treasury not otherwise appropriated.

APPROVED May 16, 1905.



## MORTGAGES.

## ACKNOWLEDGMENT OF MORTGAGES.

§ 1. Amends sections 2 and 3, act of 1874.

§ 2. Who may take acknowledgments  
—form prescribed.

§ 3. Docket of acknowledgments to be  
kept—form of entry.

Approved May 13, 1905.

AN ACT to amend an act entitled, "An act to revise the law in relation to mortgages of real and personal property," approved March 26, 1874, as amended by subsequent acts.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections 2 and 3 of the act entitled, "An act to revise the law in relation to mortgages of real and personal property," approved March 26, 1874, as amended by subsequent acts, be and the same is hereby amended so as to read as follows:

§ 2. Such instruments shall be acknowledged before a justice of the peace or the county judge of the county where the mortgagor resides or before the clerk or any deputy clerk of any municipal court in such county, or if the mortgagor is not a resident of the State at the time of making the acknowledgment then before any officer authorized by law to take acknowledgment of deeds: *Provided, however,* [that in counties having a population of more than 200,000 such instrument, if the mortgagor is a resident of the State at the time of making the acknowledgment, shall be acknowledged before a justice of the peace of the town or precinct where the mortgagor resides, or if there be no justice of the peace in such town or precinct such instrument shall be acknowledged before the clerk or any deputy clerk of the municipal court in the district in which the mortgagor resides, or if there be no such clerk or deputy clerk before the county judge of the county in which the mortgagor resides. The certificate of acknowledgment may be in the following form:

This (name of instrument) was acknowledged before me by (name of grantor) (when the acknowledgment is made of a resident insert the words "and entered by me") this.....day of.....19...

Witness my hand and seal.

(Name of officer).

(Seal)

§ 3. If the acknowledgment is by a resident of this State the justice of the peace, clerk or deputy clerk of the municipal court, or county judge, shall enter in his docket or in some book kept for that purpose a memorandum thereof, substantially as follows:

A. B. (name of mortgagor) to C. D. (name of mortgagee); mortgage of (here insert description of the property as in the mortgage) Acknowledged this.....day of.....19...

APPROVED May 13, 1905.

## NEGOTIABLE INSTRUMENTS.

## LEGAL HOLIDAYS ENUMERATED.

§ 1. Amends section 17, act of 1895.

Filed May 13, 1905.

## § 17. Holidays enumerated.

AN ACT to amend section 17 of an act entitled, "*An act to revise the law in relation to promissory notes, bonds, due bills, and other instruments in writing,*" approved March 18, 1874, in force July 1, 1874, as amended by act approved June 4, 1895, in force July 1, 1895.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 17 of an act entitled "*An act to revise the law in relation to promissory notes, bonds, due bills and other instruments in writing,*" approved March 18, 1874, in force July 1, 1874, as amended by act approved June 4, 1895, in force July 1, 1895, be amended so as to read as follows:

§ 17. The following days, to-wit: The first day of January, commonly called New Year's day, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the twenty-fifth day of December, commonly called Christmas day, the first Monday in September, to be known as Labor day, the twelfth day of February, any day appointed or recommended by the Governor of this State, or by the President of the United States, as a day of fast or thanksgiving, and in cities of 200,000 inhabitants or more, from 12 o'clock noon to 12 o'clock midnight of the last day of the week, commonly called Saturday, are hereby declared to be legal holidays and half holidays, the term half holiday including the period from noon to midnight of each Saturday which is not a holiday, and shall for all purposes whatsoever as regards the presenting for payment or acceptance, the maturity and protesting and giving notice of the dishonor of bills of exchange, bank checks and promissory notes and other negotiable or commercial paper or instruments, be treated and is considered as is the first day of the week commonly called Sunday. When any such holidays fall upon Sunday the Monday next following shall be held and considered such holiday. All notes, bills, drafts, checks or other evidence of indebtedness, falling due or maturing on either of said days, shall be deemed as due or maturing on the day following, and when two (2) or more of these days come together or immediately succeeding each other, then such instruments, paper or indebtedness shall be deemed as due or having matured on the day following the last of such days.

FILED May 13, 1905.

This bill having remained with the Governor for a period of ten days (Sundays excepted) after it had been presented to him, and he not having returned it with his objections to the General Assembly, nor filed with it, in the office of the Secretary of State, his objections thereto, it becomes a law in like manner as if he had signed it.

Witness my hand this 13th day of May, A. D. 1905.

JAMES A. ROSE,  
Secretary of State.

## PARKS AND BOULEVARDS.

## ADDITIONAL BOND ISSUE FROM TIME TO TIME.

§ 1. Park boards may issue bonds and levy  
tax for payment thereof.

§ 2. Emergency.

Approved March 3, 1905.

AN ACT to enable park commissioners to issue bonds for the purpose of acquiring and improving public parks, and to provide for the payment of such bonds.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That every board of public park commissioners now having control of or having selected any land or lands for the purpose of creating a public park or parks thereon and which said board is unable to pay for or improve out of its general revenue, may from time to time, in its discretion, issue and sell, in addition to the bonds now authorized by law to be issued and sold by said board, interest bearing bonds for the purpose of obtaining such funds as it may deem necessary for acquiring, improving and completing said parks: *Provided*, no bond shall be issued under this act contrary to the provisions of section twelve, article nine, of the constitution of this State: *And, provided, further*, that the proposition to issue such bonds shall be submitted to a vote of the legal voters of such park district and receive a majority of the votes cast upon such proposition. And authority is hereby expressly granted to the park commissioners issuing such bonds to levy and collect a direct annual tax upon the property within their jurisdiction, in addition to the amount of any tax now authorized by law to be levied and collected by them, sufficient to pay the interest on said bonds as it falls due and also to pay and discharge the principal thereof within twenty (20) years from the date of issuing said bonds, and the county clerk of the county in which such park district is located or such other officer or officers as are by law authorized to spread or assess taxes for park purposes and other purposes shall, on receiving a certificate from such park commissioners that the amount mentioned in such certificate is necessary to pay the interest on said bonds and also to pay and discharge the principal thereof within twenty (20) years from the date of issuing said bonds, spread and assess such amount upon the taxable property embraced in said park district the same as other park taxes are by law spread and assessed, and the same shall be collected and paid over the same as other park taxes are now required by law to be collected and paid.

§ 2. WHEREAS, There is a necessity for the immediate acquisition of the parks and construction of the improvements contemplated in this act, therefore an emergency exists, and this act shall take effect and be in force from and after its passage.

APPROVED March 3, 1905.

## ADDITIONAL BOND ISSUE.—\$2,000,000.

§ 1. Additional bonds not exceeding \$2,000, -  
000 may be issued.

§ 2. Form of bonds—interest—payment—sale

Approved May 11, 1905.

*AN ACT to enable park commissioners to issue bonds for the completion, improvement and maintenance of public parks and boulevards under their control, and to provide a tax for the payment of the same.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That every board of public park commissioners in this State, appointed or otherwise selected as such commissioners, under and in pursuance of any act or acts of the General Assembly of this State, which has or have been or may be submitted to the legal voters of the municipality in which such board of park commissioners shall exist, and by them adopted, for the purpose of locating, establishing, enclosing, improving or maintaining any public park, boulevard, driveway, highway, or other public work or improvement, having a bonded indebtedness at the time of the passage of this act, and which shall be unable, after paying the annual interest and principal of its maturing bonds, to properly complete, improve and maintain the parks and boulevards under its control out of the funds now authorized to be raised by taxation on the property embraced within its park district, shall be, and is hereby authorized and empowered to issue and sell, in addition to bonds now authorized by law to be issued and sold by such board of park commissioners, interest bearing coupon bonds to an amount not exceeding in the aggregate two million dollars (\$2,000,000) for the purpose of raising funds for the completion, improvement and maintenance of the parks and boulevards now under the management and control of such board of park commissioners, or which may hereafter be acquired by it: *Provided, however,* that no such bonds shall be issued under this act in contravention of the provisions of section 12, of article IX of the Constitution of this State: *And, provided, further,* that the proposition to issue such bonds shall be submitted to a vote of the legal voters of such park district at any general or special election, and receive a majority of the votes cast upon such proposition. And power and authority are hereby expressly conferred upon, and vested in, such board of public park commissioners issuing such bonds, to levy and collect a direct annual tax upon all of the taxable property within the park district under its jurisdiction, in addition to the amount of any tax now authorized by law to be levied and collected by it, sufficient to pay the interest on such bonds as it falls due and also to pay and discharge the principal thereof within twenty years from the date of issuing such bonds. Such taxes shall be extended and collected, and paid over to such board of park commissioners by the same officer, or officers, at the same time, and in the same manner, as other park taxes are required by law to be extended, collected and paid over.



§ 2. Said bonds may be issued in such form as such board of park commissioners may determine, and in the name of such board of park commissioners, and shall be signed by the president, attested by the secretary, under the corporate seal, and countersigned by the treasurer of such board of park commissioners. They may be of the denomination of twenty-five dollars (\$25), and any multiple thereof, and shall bear interest at a rate not exceeding five percentum per annum, payable semi-annually, and evidenced by interest coupons attached thereto. The principal of said bonds shall be payable at such place and at such time, not exceeding twenty (20) years, from the date of the issue of such bonds as such board of park commissioners may determine.

Bonds issued under this act may be sold by such board of park commissioners at such prices as it shall deem expedient, but not however, for less than the par value thereof, and the accrued interest thereon at the date of sale, and the proceeds arising from the sale of said bonds shall be used by such board of park commissioners exclusively for the uses and purposes herein set forth.

APPROVED May 11, 1905.

#### ADDITIONAL PARK TAX.

§ 1. Amends act of 1893.

Approved May 18, 1905.

§ 1. Levy and collection of additional  
park tax.

AN ACT to amend an act entitled, "An act to enable park commissioners to maintain and govern parks and boulevards under their control," approved June 17, 1893, in force July 1, 1893.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled, "An act to enable park commissioners to maintain and govern parks and boulevards under their control," approved June 17, 1893, in force July 1, 1893, be and the same is hereby amended so as to read as follows:

§ 1. That persons who have been or may be appointed, or otherwise selected as commissioners or officers and constituted a board of public park commissioners for any town, and in pursuance of any act or acts of the General Assembly of this State which has or have been or may be submitted to the legal voters of such town and by them adopted, for the purpose of locating, establishing, enclosing, improving or maintaining any public parks, boulevards, driveways, highways or other public work or improvement, shall, in addition to the amount of money now authorized to be raised by any such board of park commissioners by taxation on the property embraced in such park district in such town, be annually allowed a sum not exceeding two mills on the dollar of the taxable property embraced within such park district according to the valuation of the same as made for the purposes of State and county taxation, and such additional two mills

on the dollar of the taxable property in said town and park district shall be used and expended by such board of park commissioners in governing and maintaining any parks, boulevards, or pleasureways under the jurisdiction, management and control of any such board of park commissioners and for paying any other necessary and incidental expenses incurred in and about the management of any such parks and boulevards; and the county clerk of the county in which such park district is located, or such other officer or officers as are authorized by law to spread or assess taxes for park purposes or other purposes, shall, on receiving a certificate from such board of park commissioners on or before the first day of August in each year that the amount mentioned in such certificate, not exceeding the amount aforesaid, is necessary for the purpose of governing and maintaining such parks and boulevards and for paying the necessary and incidental expenses incurred in and about the management of same, spread and assess such amount upon the taxable property embraced in such park district the same as other park taxes are by law spread and assessed, and the [they] shall be collected and paid over in the same manner as other park taxes are now required by law to be collected and paid.

APPROVED May 18, 1905.

#### ADDITIONAL PARK TAX.

§ 1. Amends act of 1895.

Approved May 18, 1905.

§ 1. Assessment and collection of additional park tax.

*AN Act to amend an act entitled, "An act to enable park commissioners to maintain and govern parks and boulevards under their control," approved June 17, 1895, in force July 1, 1895.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled, "An act to enable park commissioners to maintain and govern parks and boulevards under their control," approved June 17, 1895, in force July 1, 1895, be and the same is hereby amended so as to read as follows:

Section 1. That persons who have been or may be appointed, or otherwise selected as commissioners or officers and constituted a board of park commissioners for any town, and in pursuance of any act or acts of the General Assembly of this State which has or may be submitted to the legal voters of such town and by them adopted, for the purpose of locating, establishing, enclosing, improving or maintaining any public parks, boulevards, driveways, highways or other public work or improvement, shall, in addition to the amount of money now authorized to be raised by any such board of park commissioners by taxation on the property embraced in such park district in such town, be annually allowed a sum not exceeding two mills on the dollar of the taxable property embraced within such park dis-

trict according to the valuation of the same as made for the purposes of State and county taxation, and such additional two mills on the dollar of the taxable property in such town and park district shall be used and expended by such board of park commissioners in governing and maintaining any parks, boulevards, or pleasureways under the jurisdiction, management and control of any such board of park commissioners and for paying any other necessary and incidental expenses incurred in and about the management of any such parks and boulevards; and the county clerk of the county in which such park district is located, or such other officer or officers as are authorized by law to spread or assess taxes for park purposes or other purposes, shall, on receiving a certificate from such board of park commissioners on or before the first day of August in each year that the amount mentioned in such certificate, not exceeding the amount aforesaid, is necessary for the purpose of governing and maintaining such parks and boulevards and for paying the necessary and incidental expenses incurred in and about the management of the same, spread and assess such amount upon the taxable property embraced in such park district the same as other park taxes are by law spread and assessed, and the same shall be collected and paid over in the same manner as other park taxes are now required by law to be collected and paid.

APPROVED May 18, 1905.

#### COMPLETION AND IMPROVEMENT OF PUBLIC PARKS.

§ 1. Amends sections 1, 2, 3, and 4, act of 1873.

§ 1. Two and one-half mill tax authorized.

§ 2. Assessment of park tax.

§ 3. Construction of sewers—special assessment—petition of land owners.

§ 4. Who shall levy assessments.

Approved May 18, 1905.

AN ACT to amend sections 1, 2, 3 and 4 of an act entitled, "An act in regard to the completion, improvement and management of public parks and boulevards, and to provide a more efficient remedy for the collection of delinquent assessments," approved May 2, 1873, in force July 1, 1873, and all amendments thereto.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections 1, 2, 3 and 4 of an act entitled "An act in regard to the completion, improvement and management of public parks and boulevards, and to provide a more efficient remedy for the collection of delinquent assessments," approved May 2, 1873, in force July 1, 1873, and all amendments thereto, be and the same are hereby amended so as to read as follows, respectively:

§ 1. That persons who have been or may be appointed or otherwise selected as commissioners or officers and constituted a board of public park commissioners for any town, and in pursuance of any act

or acts of the General Assembly of this State which has or may be submitted to the legal voters of any town and by them adopted, for the purpose of locating, establishing, inclosing, improving or maintaining any public parks, boulevards, driveways, highways or other public work or improvement, shall—in addition to the amount of money now authorized to be raised by any such board of park commissioners by taxation on the property embraced in such park district in such town—be annually allowed a sum not exceeding two and a half mills on the dollar on the taxable property in said town and embraced within such park district according to the valuation of the same as made for the purposes of State and county taxation, to be used and expended by such board of park commissioners in governing and maintaining and improving such parks and boulevards or pleasure ways and paying other necessary and incidental expenses incurred in and about the management of such parks and boulevards.

§ 2. Such board of park commissioners shall, annually, on or before the first day of August of each year, transmit to the county clerk of the county in which such park district is located, or such other officer or officers as are by law authorized to spread and assess taxes for park purposes or other purposes, a certificate setting forth the rate or percentage of such taxes by them levied for the purposes herein provided, and it shall be, and is hereby made the duty of the county clerk to whom such certificate shall be transmitted, to set down in the general tax warrant of the year for the collection of State and county taxes, in a separate column to be styled a "park tax," a tax in amount equal to the sum resulting from the rate or percentage so certified by such board of park commissioners upon the real and personal property within such park district in such town, according to the valuation of the same as made for the purposes of State and county taxation; and shall set down in each column the amount of tax chargeable to the several persons, corporations, lots or parcels of land, liable for taxes in such park district in such town according to such rate or percentage, and the collector shall proceed to collect the same in such manner as is now, or may hereafter [be] provided by law for the collection of State and county taxes; and the provisions of law in respect to collection of State and county taxes, and proceedings to enforce the same, which are now enforced, or which may be hereafter enacted, so far as applicable, shall apply to said taxes; and as fast as such tax shall be collected by the collector, or other officer receiving the same, it shall be paid over to such board of park commissioners, on the joint receipt of the president and treasurer of such commissioners, or such other officer of such board of park commissioners as they may appoint to receive the same.

§ 3. In case such board of park commissioners shall desire to improve any boulevard or pleasure way under their control, or any part thereof, or if such commissioners shall deem it necessary for drainage purposes to construct a sewer or sewers through any lands or streets not under their control, to connect with any natural or artificial outlet, they shall make plans and specifications for such



contemplated improvement. In case such contemplated improvement is the construction of a sewer, they shall carefully designate the line thereof, and shall prepare estimates of the cost of such contemplated improvement, and transmit such plans, specifications and estimates to the corporate authorities of the town where such improvements will be situated. Such corporate authorities may, upon the receipt of such plans, specifications and estimates, at their next meeting, whether the same be a regular or special meeting, or at any succeeding meeting, or at a special meeting called for that purpose, determine by ordinance to be entered upon the record of such town, whether such improvement shall be made or not; if they shall determine to make the same, they shall also prescribe that the same shall be made by special assessment or special taxation of contiguous property. If such ordinance shall provide that such improvement shall be wholly or in part made by special assessments, they shall direct the supervisor of such town to file a petition in the name of the town, in the county court of his county, for proceedings to assess the cost of such improvement; such petition shall recite the ordinance for the proposed improvement, and the plans, specifications and estimates of the cost thereof, and pray that the cost thereof may be assessed in the same manner prescribed by law. The proceedings to levy and collect such assessment, subsequent to the filing of such petition, shall, in all cases as near as may be, conform to the provisions of the law regulating special assessments for local improvements: *Provided*, that no improvement or sewer shall be made or constructed under the provisions of this section, except upon the petition of the owners of a majority of the land fronting on the proposed improvement or sewer: *Provided, further*, that no sewer shall be constructed under this act through any streets belonging to an incorporated city, or to connect with any sewers within such city, unless the assent of the common council or board of public works of such city having control of the streets and sewers of such city shall be first obtained thereof.

§ 4. *Be it further enacted*, that the town supervisor, clerk and assessor of such town be, and they are hereby, designated and constituted the corporate authorities of such town, and they, or a majority of them, may levy any of the special assessments herein authorized, in the manner and for the purposes herein provided, except in towns or villages under any law of this State, in which case the board of trustees of such town so organized as a village may levy any of the assessments herein authorized in the manner and for the purposes herein authorized.

APPROVED May 18, 1905.

## SMALL PARKS AND PLEASURE GROUNDS.

§ 1. Park commissioners may issue bonds—  
may levy and collect direct annual  
tax.

§ 2. Park commissioners may determine  
form of bond—denomination of bond  
—duration— interest — sale of bonds  
regulated.

Approved May 18, 1905.

AN ACT *to enable park commissioners to issue bonds to raise funds for the acquisition and improvement of small parks and pleasure grounds, and to provide a tax for the payment of the same.*

Section 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That every board of public park commissioners in this State, appointed or otherwise selected as such commissioners under and in pursuance of any act or acts of the General Assembly of this State, which has or have been or may be submitted to the legal voters of the municipality in which such board of park commissioners shall exist and by them adopted establishing, enclosing, improving and maintaining any public park, boulevard, driveway, highway or other public work or improvement, having selected, or which may hereafter select, any land or lands as sites for small parks or pleasure grounds, pursuant to the provisions of an act of the General Assembly of the State of Illinois entitled, "An act to enable park commissioners to acquire, improve and maintain additional small parks or pleasure grounds," approved and in force May 10, 1901, and which said land or lands said board of park commissioners is or shall be unable to pay for or improve out of its general revenues shall be and is hereby authorized and empowered in its discretion to issue and sell in addition to the bonds now authorized by law to be issued and sold by such board, interest bearing coupon bonds to an amount not exceeding in the aggregate the principal sum of one million (1,000,000) dollars for the purpose of raising funds for the acquisition, improvement and completion of such small parks or pleasure ground: *Provided*, no such bonds shall be issued under this act in contravention of the provisions of section twelve (12) of article nine (9) of the constitution of this State: *And, provided, further*, that the proposition to issue such bonds shall be submitted to a vote of the legal voters of such park district at any general or special election and receive a majority of the votes cast upon such proposition. And power and authority are hereby expressly granted to such board of park commissioners issuing such bonds to levy and collect a direct annual tax upon all the taxable property within the park district under its jurisdiction, in addition to the amount of any tax now authorized by law to be levied and collected by it, sufficient to pay the interest on such bonds as the same shall mature and become due, and also to pay and discharge the principal thereof within twenty (20) years from the date of issuing such bonds; and the county clerk of the county in which such park district is located, or such officer or officers as are by law authorized to spread or assess taxes for park purposes and other purposes, shall, on receiving a certificate from such board of park commissioners, that the amount mentioned in

such certificate is necessary to pay the interest on such bonds and also to pay and discharge the principal thereof as the same shall mature and become due, spread and assess such amount upon the taxable property embraced in such park district in the same manner as other park taxes or general taxes are by law spread and assessed; and the same shall be collected and paid over the same as other park taxes are required by law to be collected and paid.

§ 2. Said bonds may be issued in such form as such board of park commissioners may determine and in the name of such board of park commissioners and shall be signed by the president, attested by the secretary under the corporate seal and countersigned by the treasurer of such board of park commissioners. And they may be of the denomination of twenty-five (25) dollars and any multiple thereof and shall bear interest at a rate not exceeding five (5) per centum per annum, payable semi-annually and evidenced by interest coupons attached thereto. The principal of said bonds shall be payable at such place and at such time not exceeding twenty (20) years from the date of the issue of such bonds as such board of park commissioners may determine. Bonds issued under this act may be sold by such board of park commissioners at such prices as it shall deem expedient, but not, however, for less than the par value thereof and the accrued interest thereon at the date of sale and the proceeds arising from the sale of said bonds shall be used by such board of park commissioners exclusively for the uses and purposes therein set forth.

APPROVED May 18, 1905.

#### SPRINKLING STREETS BY PARK AUTHORITIES.

§ 1. Amends section 14, act of 1895.

Approved May 13, 1905.

§ 14. Street sprinkling authorized.

AN ACT to amend section 14 of an act entitled, "An act to provide for the organization of park districts and the transfer of submerged lands to those bordering on navigable bodies of water," approved June 24, 1895, in force July 1, 1895.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 14 of an act entitled "An act to provide for the organization of park districts and the transfer of submerged lands to those bordering on navigable bodies of water," approved June 24, 1895, in force July 1, 1895, be and the same is hereby amended so as to read as follows:

§ 14. POWERS OF PARK DISTRICTS.] Any park district organized under this act shall have power to acquire, lay out, establish, construct and maintain parks and boulevards in said district, and provide boating basins in said parks, and have full power to control, manage and govern the said parks and boulevards and the use thereof. It shall also have power to sprinkle streets lying within its territory, and

to take charge of and maintain the parkways upon such streets: *Provided, however*, that the power to sprinkle streets and take charge of and maintain the parkways in such streets shall not be exercised by such park district until the question as to whether or not it shall exercise such power shall have been submitted to a vote of the people in such district, and such question shall be so submitted upon petition of fifty (50) owners of property residing in such district. Such petition shall be filed in the county court, and when so filed it shall be the duty of the county judge to order an election to be held in such district. In such order the said judge shall fix the time and place or places within such district when such election shall be held, and shall name the persons to act as judges at such election. Twenty (20) days' notice shall be given of such election by the posting of notices in five public places within such district, or by publication in one or more papers, if there be any published in said district. If a majority of the votes cast at such election shall be in favor of the exercise of the power to sprinkle streets and take charge of and maintain the parkways as aforesaid, then the said board shall exercise such power, otherwise it shall not exercise it.

APPROVED May 13, 1905.

#### THREE-MILL TAX AUTHORIZED.

§ 1. Amend section 1, act of 1903.

Approved April 29, 1905.

§ 1. Additional taxation authorized.

AN ACT to amend an act entitled, "*An act to enable park commissioners to maintain and govern parks, boulevards, driveways, promenades and pleasure grounds under their control*," approved April 21, 1899, in force July 1, 1899, as amended by an act approved May 14, 1903, in force July 1, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled, "*An act to enable park commissioners to maintain and govern parks, boulevards, driveways, promenades and pleasure grounds under their control*," approved April 21, 1899, in force July 1, 1899, as amended by an act approved May 14, 1903, in force July 1, 1903, be, and the same is hereby amended so as to read as follows:

§ 1. That persons who have been or may be appointed or otherwise selected as commissioners or officers, and constituted a board of public park commissioners for any three towns under and in pursuance of any act or acts of the General Assembly of this State, which has, or have been or may be submitted to the legal voters of such three towns and by them respectively adopted for the purpose of locating, establishing, enclosing, improving or maintaining any public park, boulevard, driveway, highway or other public work or improvement, shall, in addition to the amount of money now authorized to be raised by any such board by taxation on the property embraced in such park district in such three towns, be annually allowed a sum



not exceeding three (3) mills on each dollar of taxable property embraced in such park district, according to the valuation of the same, as made for the purpose of State and county taxation by the general assessment last preceding the time when such three (3) mill tax shall be levied. And the county clerk of the county in which such park district is located, or such other officer or officers, as are by law authorized to spread or assess taxes for park purposes and other purposes, shall, on receiving a certificate from such board of park commissioners that the amount mentioned in such certificate, not exceeding the amount aforesaid, is necessary for the proper improvement, governance and maintenance of the park property under its control, spread and assess such amount upon the taxable property embraced in such park district, the same as other park taxes are by law spread and assessed, and the same shall be collected and paid over the same as other park taxes are now required by law to be collected and paid.

APPROVED April 29, 1905.

## PAUPERS.

### MEDICAL AID AND BURIAL EXPENSES.

§ 1. Amends section 24, act of 1874.

Approved May 13, 1905.

§ 24. Medical aid or burial expenses in certain cases.

AN ACT to amend section twenty-four (24) of an act entitled, "An act to revise the law in relation to paupers," approved March 23, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section twenty-four (24) of an act entitled, "An act to revise the law in relation to paupers," approved March 23, 1874, in force July 1, 1874, be and the same hereby is amended so as to read as follows:

§ 24. When any non-resident, or any person not coming within the definition of a pauper, of any county or town, shall fall sick or die, not having money or property to pay his board, nursing and medical aid or burial expenses, the overseer or overseers of the poor of the town or precinct in which he may be shall give, or cause to be given to him such assistance as they may deem necessary and proper, or cause him to be conveyed to his home, and if he shall die, cause him to be decently buried; and the county shall pay the reasonable expense thereof, which expense of burial may be recovered from the relatives of the said pauper or from the county of which he is a resident, in an appropriate action.

APPROVED May 13, 1905.

## PENITENTIARIES.

### CONVICT LABOR ON HIGHWAYS.

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| <p>§ 1. Manufacture of road building material by convicts.</p> <p>§ 2. Application to State highway commission for material.</p> | <p>§ 3. State highway commission to negotiate with railroads.</p> <p>Approved May 18, 1905.</p> |
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*AN ACT authorizing and empowering the employment of convicts and prisoners in the penal and reformatory institutions of the State of Illinois in the manufacture of tile and culvert pipe for road drainage purposes, and in the manufacture of machinery, tools and appliances for the building, maintaining and repairing of the wagon roads of the State, and for preparing road building and ballasting material, upon the requisition of the State Highway Commission.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That the Board of Prison Industries of the State of Illinois is authorized and empowered, and it is hereby made its duty, upon the requisition of the State Highway Commission, to employ convicts and prisoners in the penal and reformatory institutions of the State in the manufacture of tile and culvert pipe, suitable for draining the wagon roads of the State, and in the preparation of road building and ballasting material, such tile, culvert pipe and road building and ballasting material to be furnished free; and in the manufacture of road machinery, tools and necessary appliances for the building, maintaining and repairing of the wagon roads of the State, such tile, culvert pipe, road building and ballasting material, road machinery, tools and appliances to be placed upon railroad cars and forwarded to proper destinations, to be used as hereinafter provided.

§ 2. The commissioners of highways in any township in counties under township organization, or the commissioners of highways or boards of county commissioners in counties not under township organization, may make application to the said State Highway Commission for such road building material, tile, culvert pipe, road making machinery, tools and other appliances as may be needed or required by them for the construction, improvement or repairing of the wagon roads in their respective townships or road districts, obligating themselves to use such material according to rules and regulations formulated and approved by the State Highway Commission.

§ 3. The State Highway Commission is hereby authorized and empowered to negotiate with railroad lines in the State of Illinois for rates of transportation on all such material and machinery, tools and appliances, and it may contract with such railroads for such transportation, to be paid in ballasting material at an agreed price.

APPROVED May 18, 1905.

## REGULATING THE EMPLOYMENT OF CONVICTS.

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| <p>§ 1. Amends several sections, act of 1903.</p> <p>§ 3. Products of convict labor—how disposed of.</p> <p>§ 5. No convict labor to be farmed out.</p> <p>§ 6. Duties of wardens—superintendents and managers to keep convict employed.</p> <p>§ 7. Prisoners of the first grade—employment prescribed.</p> <p>§ 8. Prisoners of the second grade—employment prescribed.</p> <p>§ 9. Prisoners of the third grade—employment prescribed.</p> | <p>§ 10. All convicts shall be employed for benefit of the State.</p> <p>§ 11. Supplies for school and road districts of State institutions.</p> <p>§ 12. Crushed rock for road making.</p> <p>§ 14. Manufacture of articles used in in State buildings and offices.</p> <p>§ 15. Estimates to be furnished by State officials.</p> <p>§ 16. Board of classification—constitution of duties.</p> |
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Approved May 18, 1905.

AN ACT to amend sections three (3), five (5), six (6), seven (7), eight (8), nine (9), ten (10), eleven (11), twelve (12), fourteen (14), fifteen (15) and sixteen of an act entitled, "An act to regulate the employment of convicts and prisoners in the penal and reformatory institutions of the State of Illinois, and providing for the disposition of the products of their skill and industry," approved May 11, 1903, in force July 1, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections three (3), five (5), six (6), seven (7), eight (8), nine (9), ten (10), eleven (11), twelve (12), fourteen (14), fifteen (15), and sixteen (16) of an act entitled, "An act to regulate the employment of convicts and prisoners in the penal and reformatory institutions of the State of Illinois, and providing for the disposition of the products of their skill and industry," approved May 11, 1903, and in force July 1, 1903, be amended so as to read as follows:

§ 3. It shall be the duty of the Board of Prison Industries of Illinois to attend to the disposition and distribution of all the products of the skill and labor of said convicts and prisoners. They shall particularly be charged with the duty of seeing that under no circumstances, shall any of the products of the labor of said convicts or prisoners mentioned in this act, be sold upon the open market, except as hereinafter provided. They shall see that the said products do not enter into conflict with any of the established industries of the State except as hereinafter provided. It shall be their duty at all times, to inform themselves, so far as possible, of the industrial conditions of the State of Illinois, and to see that the labor of said convicts and prisoners does not enter into competition with the products of free labor, except as hereinafter provided.

§ 5. The Board of Prison Industries of Illinois, or the commissioners of said penitentiaries, or either of them, or the board of managers of said reformatory, shall not, nor shall any other authority whatsoever, make any contract by which the labor or time of any prisoner or convict in any penitentiary or reformatory of this State or the product or profit of his work shall be contracted, let, farmed out, given or sold, to any person, firm, association or corporation; except that the said prisoners or convicts in said penal or reformatory institutions may work for, and the products of their labor may be disposed of to the State, or for or to any public institution owned or managed and controlled by the State.

§ 6. The wardens, superintendents, managers and officials of all reformatories and penitentiaries in the State shall, so far as practicable, cause all the prisoners in said institutions, who are physically capable thereof, to be employed at useful labor, not to exceed eight hours of each day, other than Sundays, and public holidays, but such useful labor shall be either for the purpose of production of supplies for said institutions, or for the State, or for any public institution owned or managed and controlled by the State, or for the purpose of industrial training and instruction, or for the making of crushed rock for road material, and for the improvement of public grounds owned by the State, or use in and upon public buildings owned by the State, or for agricultural pursuits for the support of the inmates of the State institutions, or partly for one and partly for the other of such purposes, or a combination of all said industries and employments: *Provided, however*, that it shall be the policy of the State to use in such industries, no more machinery or motive power, other than hand and foot power, than may be required to successfully carry this act into effect: *And, provided, further*, that the board of managers of the said Illinois State Reformatory at Pontiac, may use all or any part of the eight hours provided herein for the labor of the convicts, in giving of useful instruction to the inmates of said reformatory.

§ 7. The labor of the prisoners of the first grade in each of said penitentiaries and reformatories shall be directed with reference to fitting the prisoner to maintain himself by honest industry after his discharge from imprisonment, as a primary or sole object of such labor, and such prisoners of the first grade may be so employed at hard labor for industrial training and instruction, even though no useful or saleable products result from their labor, but only in case such industrial training or instruction can be more effectively given in such manner. Otherwise, and so far as consistent with the primary object of the labor of prisoners of the first grade as aforesaid, the labor of such prisoners shall be so directed as to produce the greatest amount of useful products, articles and supplies needed and used in the said institutions, and in the buildings and offices of the State, or in any public institutions owned and managed and controlled by the State, or said labor may be for the State.

§ 8. The labor of prisoners of the second grade in said penitentiaries and reformatories shall be directed primarily to labor for the



State, or to the production or manufacture of useful articles and supplies for said institutions, or for any public institutions owned or managed and controlled by the State.

§ 9. The labor of prisoners of the third grade in said penitentiaries and reformatories shall be directed to such exercise as shall tend to the preservation of health, or they shall be employed in labor for the State, or in the manufacture of such articles and supplies as are needed and used in the said institutions, and in the public institutions owned or managed and controlled by the State.

§ 10. All convicts sentenced to State penitentiaries and reformatories in this State shall be employed for the State, or in productive industries for the benefit of the State, or for the use of public institutions owned or managed and controlled by the State, which shall be under rules and regulations for the distribution and diversification thereof, to be established by the Board of Prison Industries of Illinois.

§ 11. The labor of convicts in penitentiaries and reformatories in this State after the necessary labor for the manufacture of all needed supplies for said institutions shall be primarily devoted to the State and the public institutions and buildings thereof, and the manufacture of supplies for the State and the public institutions thereof, and secondly to the school and road districts of the State and the public institutions thereof: *But, provided*, that if the demands of the State, the State institutions and the school and road districts thereof as herein provided shall not be sufficient to furnish employment to all the prisoners of the penal and reformatory institutions of the State then the Board of Prison Industries may and are hereby authorized to dispose of the surplus product of such labor to the best advantage of the State: *But, provided, further*, that not more than forty (40) per cent of said prisoners in the penal and reformatory institutions shall be employed in the manufacture of products of industries heretofore established which may be disposed of other than to the State, State institutions and school and road districts of the State.

§ 12. Crushed rock or other manufactured road material created by the labor of such convicts or prisoners shall be furnished free at such penitentiary or reformatory institutions, upon the requisition of the State Highway Commission but upon the express agreement that such material shall be placed in a permanent public roadway.

§ 14. The Board of Prison Industries of Illinois and the superintendents of reformatories and wardens of penitentiaries respectively are authorized and directed to cause to be manufactured by the convicts in the penitentiaries and reformatories such articles as are needed and used therein, and also such as are required by the State, and in the buildings, offices and public institutions owned or managed and controlled by the State, including articles and materials to be used in the erection of the buildings. All such articles manufactured in the penitentiaries and reformatories and not required for use therein may be furnished to the State or for, or to any public institution owned or managed and controlled by the State at and for such prices as shall

be fixed and determined as hereinafter provided, upon the requisition of the proper official, trustee or managers thereof. No articles so manufactured shall be purchased from any other source for the State or public institutions of the State unless said Board of Prison Industries of Illinois shall certify that the same cannot be furnished upon such requisition, and no claim therefor shall be audited or paid without such certificate.

§ 15. On October 1st and quarterly thereafter in each year the proper officials in the State and of the institutions of the State shall report to the said Board of Prison Industries of Illinois estimates for the ensuing year of the amount of supplies of different kinds required to be purchased by them that can be furnished by the penal institutions of the State. The said Board of Prison Industries of Illinois is authorized to make regulations for said reports, to provide for the manner in which requisitions shall be made for supplies, and to provide for the proper diversification of the industries of said penal institutions.

§ 16. The president of the Board of Prison Industries of Illinois, the president of the State Board of Public Charities and the Auditor of Public Accounts of Illinois, are hereby constituted a board to be known as the Board of Classification. Said board shall fix and determine the prices at which all labor performed, and all articles manufactured and furnished to the State, or to the public institutions thereof shall be furnished, which prices shall be uniform to all. The prices shall be as near the usual market price for such labor and supplies as possible. The State Board of Prison Industries shall devise and furnish to all such institutions a proper form for such requisition, and the Auditor of Public Accounts shall devise and furnish a proper system of accounts, to be kept for all such transactions. So far as practicable all supplies used in such buildings, offices and public institutions shall be uniform for each class, and of the styles, patterns, designs and qualities that can be manufactured in the penal and reformatory institutions of this State.

APPROVED May 18, 1905.

## RAILROADS.

## INSPECTION OF SAFETY APPLIANCES ON RAILROADS.

§ 1. Inspector—appointment—vacancy—qualifications.

§ 2. Bond and oath.

§ 3. Transportation—expenses—office.

§ 4. Duty of inspector—weekly reports required.

Approved May 12, 1905.

AN ACT entitled, "*An act providing for the inspection of equipment and operation of safety appliances on railroads engaged in moving traffic between points in the State of Illinois.*"

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* An inspector of automatic couplers, power brakes, and grab irons or hand-holds, on railroad locomotives, tenders, cars, and similar vehicles, shall be appointed by the Railroad and Warehouse Commissioners, within thirty days after this act goes into effect, who shall hold office for two years, unless sooner removed for cause, and until his successor is appointed and qualified. At any time a vacancy occurs in the office, the Railroad and Warehouse Commissioners shall immediately fill the vacancy by appointment. No person is eligible to hold the office who is an officer or an employé of a railroad company or who owns or is interested, directly or indirectly, in the stocks or bonds of any railroad company, or who has not had at least seven years of practical experience on some line of railroad operated in the State of Illinois in one or more of the following capacities: Engineer, fireman, conductor, yardmaster, brakeman, train baggageman, switchman, car inspector or repairer.

§ 2. Before entering on his duties the said inspector shall give bond to the State of Illinois in the sum of three thousand dollars, with two or more sureties, or a bond and surety company, acceptable to the Railroad and Warehouse Commissioners, conditioned for the faithful performance of his duties, and shall also take the usual oath of office, which oath and bond, with the approval of the Railroad and Warehouse Commissioners endorsed thereon, shall be deposited with the Secretary of the State.

§ 3. Said inspector shall be provided with transportation at the expense of the State and be paid a salary of fifteen hundred dollars (\$1,500) per year and necessary expenses, not to exceed one thousand dollars (\$1,000) in any one year, which shall be paid in the manner now provided by law for the salary and expenses of the Railroad and Warehouse Commissioners. He shall have his office in the State House, in the office of the Railroad and Warehouse Commissioners, and shall be under the supervision of said Commissioners.

§ 4. It shall be the duty of the said inspector to inspect the couplers, power brakes, and grab irons or hand-holds, on the railroads engaged in moving traffic between points in Illinois, and make weekly

reports of his inspections to the Railroad and Warehouse Commissioners, reporting all locomotives, tenders, cars, or similar vehicles, which are found to be defective, giving the numbers of same, road on which they are found, and road owning same, if known.

APPROVED May 12, 1905.

#### SAFETY APPLIANCES ON RAILROADS.

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| <p>§ Locomotive—train brake system required.</p> <p>§ 2. Automatic couplers required.</p> <p>§ 3. Refusal to transport cars not properly equipped.</p> <p>§ 4. Grab irons required.</p> <p>§ 5. Draw bars regulated.</p> <p>§ 6. Penalty—exemptions.</p> | <p>§ 7. To whom act applies.</p> <p>§ 8. Use of power brakes regulated.</p> <p>§ 9. Injury to employé—liability of employer.</p> <p>§ 10. Narrow gauge roads—extension of time limit.</p> <p>Approved May 12, 1905.</p> |
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AN ACT to promote the safety of employes and travelers upon railroads by compelling common carriers engaged in moving traffic by railroad between points in the State of Illinois to equip their cars with automatic couplers and continuous brakes and their locomotives with driving wheel brakes, and for other purposes.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That from and after the passage of this act it shall be unlawful for any common carrier engaged in moving traffic by railroad between points in this State to use on its line any locomotive in moving such traffic, not equipped with a power driving wheel brake and appliances for operating the train brake system, or to run any train in such traffic after the passage of this act that has not a sufficient number of cars in it so equipped with power or train brakes that the engineer on the locomotive drawing such train can control its speed without requiring brakeman to use the common hand brake for that purpose.

§ 2. That from and after the passage of this act it shall be unlawful for any such common carrier to haul or permit to be hauled or used on its line any locomotive, tender, car or similar vehicle used in moving state traffic not equipped with couplers, coupling automatically by impact, and which can be uncoupled without the necessity of men going between the ends of the cars.

§ 3. That when any person, firm, company or corporation engaged in moving traffic by railroad between points in the State of Illinois shall have equipped a sufficient number of its cars so as to comply with the provisions of section 1 of this act, it may lawfully refuse to receive from connecting lines of road or shippers any cars not equipped sufficiently in accordance with the first section of this act, with such power or train brakes as will work and readily interchange with the brakes in use on its own cars, as required by this act.



§ 4. That from and after the passage of this act it shall be unlawful for any railroad company to use any locomotive, tender, car or similar vehicle, in connection with the movement of traffic between points in this State that is not provided with secure grab irons or hand-holds in the ends and sides of each locomotive, tender, car, or similar vehicle for greater security to men in coupling and uncoupling cars.

§ 5. That the standard height of draw bars, measured perpendicularly from the level of the tops of the rails to the center of the draw bars upon standard gauge roads shall be thirty-four and one-half inches; narrow gauge roads twenty-six inches, and that the maximum variation from such standard height to be allowed between drawbars of empty and loaded cars shall be three inches.

§ 6. That any such common carrier using any locomotive or tender running any train, or hauling or permitting to be hauled or used on its line any car, or similar vehicle in violation of any of the provisions of this act shall be liable to a penalty of one hundred dollars for each and every such violation, to be recovered in a suit or suits to be brought by the State's attorney in the circuit court of the county having jurisdiction in the locality where such violation shall have occurred; and it shall be the duty of such State's attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred, and it shall also be the duty of the Railroad and Warehouse Commission to lodge with the proper State's attorneys information of any such violations as may come to its knowledge: *Provided*, that nothing in this act contained shall apply to trains composed of four wheel cars or to trains composed of eight wheel standard logging cars, where the height of such cars from the tops of the rails to the center of the couplings does not exceed twenty-five inches, or to locomotives used in hauling such trains when such cars or locomotives are exclusively used for the transportation of logs, or to street cars, or to trains, locomotives, tenders, cars and similar vehicles used in interstate commerce.

§ 7. The provisions and requirements of this act shall be held to apply to common carriers engaged in moving traffic by railroad between points in this State and shall apply in all cases, whether or not the couplers brought together are of the same kind, make or type and the provisions and requirements hereof relating to power driving wheel brakes, train brakes, automatic couplers, grab irons and the height of drawbars shall be held to apply to all trains, locomotives, tenders, cars and similar vehicles used on any railroad engaged in moving traffic between points in the State of Illinois, excepting those trains, cars and locomotives exempted by the provisions of section 6 of this act, and all those trains, locomotives, tenders, cars and similar vehicles used in interstate commerce.

§ 8. That whenever, as provided by this act, any train is operated with power or train brakes not less than fifty per centum of the cars in such train shall have their brakes used and operated by the engineer of the locomotive drawing such train; and all power-braked

cars in such train which are associated together with said fifty per centum shall have their brakes so used and operated; and, to more fully carry into effect the objects of this act, the Railroad and Warehouse Commission may, from time to time, after a full hearing, increase the minimum percentage of cars in any train required to be operated with power or to train brakes, which may have their brakes used and operated as aforesaid; and failure to comply with any such requirement of said Railroad and Warehouse Commission shall be subject to the like penalty as failure to comply with any requirements of this section.

§ 9. That any employé of any such common carrier who may be injured by any train, locomotive, tender, car or similar vehicle in use contrary to the provisions of this act, shall not be deemed to have assumed the risks thereby occasioned, nor to have been guilty of contributory negligence, because of continuing in the employment of such common carrier or in the performance of his duties as such employé after the unlawful use of such train, locomotive, tender, car or similar vehicle, had been brought to his knowledge.

§ 10. The Railroad and Warehouse Commission is hereby empowered to grant to narrow guage railroads, upon a full hearing and for good cause, a reasonable extension of time in which to comply with the provisions of this act: *Provided, however,* that such extension or extensions shall not exceed in the aggregate the period of one year from and after its passage.

APPROVED May 12, 1905.

## RECORDERS.

### OFFICE HOURS OF RECORDER OF DEEDS ESTABLISHED.

§ 1. Amends section 9, act of 1874.

Approved May 16, 1905.

§ 9. Duties of recorder—office hours  
from 8:00 a. m. to 5:00 p. m.—  
fees allowed.

AN ACT entitled, "*An act to amend section nine (9) of an act entitled, 'An act to revise the law in relation to recorders,' approved March 9, 1874, in force July 1, 1874, and acts amendatory thereof.*"

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section nine (9) of an act entitled, "An act to revise the law in relation to recorders," approved March 9, 1874, in force July 1, 1874, and acts amendatory thereof, be, and the same is hereby amended to read as follows:

§ 9. Every recorder shall, as soon as practicable after the filing of any instrument in writing in his office, entitled to be recorded, record the same at length, in the order of time of its reception, in

well bound books to be provided for that purpose: *Provided*, that separate books may be kept for the recording of different classes of instruments.

Every recorder shall keep his office at the court house of the county for which he is recorder, and shall keep his office open and attend to the duties thereof from eight o'clock a. m. to five o'clock p. m. of each working day, excepting legal holidays.

The recorder of deeds elected as provided for in this act, shall receive the same fees as are provided by law to be paid to the circuit clerk and ex officio recorder for like services.

APPROVED May 16, 1905.

## REVENUE.

### ASSESSMENT AND COLLECTION OF TAXES.

§ 1. Amends sections 1, 3, 32 and 108, act of 1872.

§ 1. What property shall be assessed.

§ 3. Personal property, how valued.

§ 32. Capital stock of certain corporations.

§ 108. Duties of Board of Equalization.

Filed May 18, 1905.

AN ACT to amend sections one (1), three (3), thirty-two (32) and one hundred and eight (108) of an act entitled, "An act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872, as heretofore amended.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section one (1), three (3), thirty-two (32) and one hundred and eight (108) of an act entitled "An act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, as heretofore amended, be, and the same are hereby amended so that the same shall read as follows:

Section 1. That the property named in this section shall be assessed and taxed except so much thereof as may be, in this act exempted:

First. All real and personal property in this State.

Second. All moneys, credits, bonds or stocks and other investments, the shares of stock of incorporated companies and associations, and all other personal property; including property *in transitu* to or from this State, used, held, owned or controlled by persons residing in this State.

Third. The shares of capital stock of banks and banking companies doing business in this State.

Fourth. The capital stock of companies and associations incorporated under the laws of this State, except companies and associations organized for purely manufacturing and mercantile purposes, or for

either of such purposes, or for the mining and sale of coal, or for printing, or for the publishing of newspapers, or for the improving and breeding of stock.

§ 3. Personal property shall be valued as follows:

First. All personal property, except as herein otherwise directed, shall be valued at its fair cash value.

Second. Every credit for a sum certain, payable either in money or labor, shall be valued at a fair cash value, for the sum so payable if for any article of property, or for labor or services of any kind, it shall be valued at the current price of such property, labor or service.

Third. Annuities and royalties shall be valued at their then present value.

Fourth. The capital stock of all companies and associations now or hereafter created under the laws of this State, except companies and associations organized for purely manufacturing and mercantile purposes or for either of such purposes, or for the mining and sale of coal, or for printing, or for the publishing of newspapers, or for the improving and breeding of stock, shall be so valued by the State Board of Equalization as to ascertain and determine respectively. the fair cash value of such capital stock, including the franchise over and above the assessed value of the tangible property of such company or association, such board shall adopt such rules and principles for ascertaining the fair cash value of such capital stock as to it may seem equitable and just, and such rules and principles when so adopted, if not inconsistent with this act, shall be as binding and of the same effect as if contained in this act, subject, however, to such change, alteration or amendment as may be found from time to time, to be necessary by said board: *Provided*, that in all cases where the tangible property or capital stock of any company or association is assessed under this act, the shares of capital stock of such company or association shall not be assessed or taxed in this State. This clause shall not apply to the capital stock, or shares of capital stock of banks organized under the general banking laws of this State or under any special charter heretofore granted by the Legislature of this State.

§ 32. Bridges, express, ferry, gravel, road, gas, insurance, mining, plank road, stage, steamboat, street railroad, transportation, turn-pike and all other companies and associations incorporated under the laws of this State other than banks organized under any special or general law of this State and companies and associations organized for purely manufacturing and mercantile purposes, or for either of such purposes, or for the mining and sale of coal or for printing, or for publishing of newspapers, or for the improving and breeding of stock, shall in addition to the other property required by this act to be listed, make out and deliver to the assessor a sworn statement of the amount of its capital stock, setting forth particularly:

First. The name and location of the company or association.



Second. The amount of capital stock authorized, and the number of shares into which such capital stock is divided.

Third. The amount of capital stock paid up.

Fourth. The market value, or if no market value, then the actual value of the shares of stock.

Fifth. The total amount of all indebtedness, except the indebtedness for current expenses, excluding from such expenses the amount paid for the purchase or improvement of property.

Sixth. The assessed valuation of all its tangible property: such schedule shall be made in conformity to such instruction and forms as may be prescribed by the Auditor of Public Accounts. In all cases of failure or refusal of any person, officer, company or association to make such return or statement, it shall be the duty of the assessor to make such return or statement from the best information which he can obtain.

§ 108. The State Board of Equalization shall assess the capital stock of each company or association respectively now or hereafter incorporated under the laws of this State and which by this act are expressly required to be assessed by the State Board of Equalization in the manner hereinbefore in this act provided. But the State Board of Equalization shall not assess the capital stock of companies and associations organized for purely manufacturing and mercantile purposes or for either of such purposes, or for the mining and sale of coal, or for printing, or for the publishing of newspapers, or for the improving and breeding of stock. The respective assessments so made (other than of the capital stock of railroad and telegraph companies) shall be certified by the Auditor, under direction of said board, to the county clerk of the respective counties in which such companies or associations are located, and said clerk shall extend the taxes for all purposes on the respective amounts so certified the same as may be levied on the other property in such towns, districts, villages or cities in which such companies or associations are located.

FILED May 18, 1905.

This bill having remained with the Governor for a period of ten days (Sundays excepted) after the adjournment of the General Assembly, and he not having filed it with his objections thereto in the office of the Secretary of State, it becomes a law in like manner as if he had signed it.

Witness my hand this 18th day of May, A. D., 1905.

JAMES A. ROSE,  
*Secretary of State.*

## ASSESSMENT OF PERSONAL PROPERTY

§ 1. Amends section 13, act of 1872.

§ 13a. Repeal.

§ 13. Assessment of personal property regulated.

Filed May 18, 1905.

AN ACT to amend section 13 of an act entitled, "An act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, and in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 13 of an act entitled, "An act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, and in force July 1, 1872, be and the same is hereby amended to read as follows:

§ 13. The personal property of banks or bankers, brokers, stock-jobbers, insurance companies, (except life insurance companies organized under the laws of this State), hotels, livery stables, saloons, eating houses, merchants and manufactures, ferries, mining companies, and companies not specially provided for in this act, shall be listed and assessed in the county, town, city, village or district where their business is carried on, except such property as shall be liable to assessment elsewhere, in the hands of agents. All persons, companies, and corporations in this State owning steamboats, sailing vessels, wharf boats, barges and other watercraft, shall be required to list the same for assessment and taxation in the county, town, city, village or district in which the same may belong or be enrolled, registered or licensed or kept when not enrolled, registered or licensed. All property and assets of life insurance companies organized under the laws of this State, shall be assessed to the corporation as to a natural person, in the name of the corporation, in the county, town, city, village or district of its residence, as herein provided and not otherwise. The place where its office is located in its articles of incorporation shall be deemed its residence: *Provided*, its business is actually transacted at such office; but if it shall establish its principal office in any other place than the place named in its articles of incorporation, then the place where it transacts its principal business shall be deemed its residence for all the purposes of this act. In computing the taxable property of life insurance companies organized under the laws of this State, the value of the real property on which the company pays taxes shall be deducted from its net admitted assets above liabilities, as testified and shown by the latest report of the Insurance Superintendent, and the remainder shall be the amount of personal property for which the company shall be assessed. The term "life insurance companies organized under the laws of this State," as used in this section, shall not be construed to apply to fraternal beneficiary societies, or to corporations operating on the assessment plan, organized under the laws of this State.

§ 13a. All laws and parts of laws inconsistent herewith are hereby repealed.

FILED May 18, 1905.

This bill having remained with the Governor for a period of ten days (Sundays excepted) after the adjournment of the General Assembly, and he not having filed it with his objections thereto in the office of the Secretary of State, it becomes a law in like manner as though he had signed it.

Witness my hand this 18th day of May. A. D. 1905.

JAMES A. ROSE,  
Secretary of State.

#### EXEMPTIONS FROM TAXATION.

§ 1. Amends section 2, act of 1872.

Approved May 18, 1905.

§ 2. Exemptions from taxation enumerated.

AN ACT to amend section 2 of an act entitled, "*An act for the assessment of property and for the levy and collection of taxes,*" approved March 30, 1872, and in force July 1, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section two of an act entitled, "*An act for the assessment of property and for the levy and collection of taxes,*" approved March 30, 1872, and in force July 1, 1872, be, and the same is hereby amended so as to read as follows:

§ 2. All property described in this section, to the extent herein limited, shall be exempt from taxation, that is to say:

First. All lands donated by the United States for school purposes, not sold or leased; all public school houses; all property of institutions of learning, including the real estate on which the institutions are located, not leased by such institutions or otherwise used with a view to profit.

Second. All church property actually and exclusively used for public worship and all parsonages or residences actually and exclusively used by persons devoting their entire time to church work, when the said buildings and the land on which said buildings are located (said land to be of reasonable size for the location of said buildings) are owned by the congregation or the church authorities and not used for pecuniary profit.

Third. All lands used exclusively as grave yards or grounds for burying the dead.

Fourth. All unentered government lands; all public buildings or structures of whatsoever kind, and the contents thereof, and the land on which the same are located, belonging to the United States.

Fifth. All property of every kind belonging to the State of Illinois.

Sixth. All property belonging to any county, town, village or city, used exclusively for the maintenance of the poor; all swamp or overflowed lands belonging to any county, so long as the same remain unsold by such county; all public buildings belonging to any county, township, city or incorporated town, with the ground on which such buildings are erected not exceeding in any case ten acres.

Seventh. All property of institutions of public charity, when actually and exclusively used for such charitable purposes, not leased or otherwise used with a view to profit; and all free public libraries.

Eighth. All fire engines or other implements used for the extinguishment of fires, with the buildings used exclusively for the safe keeping thereof, and the lot of reasonable size on which the building is located, when belonging to any city, village or town.

Ninth. All market houses, public squares or other public grounds used exclusively for public purposes; all works, machinery and fixtures belonging exclusively to any town, village or city, and used exclusively for conveying water to such town, village or city.

Tenth. All property which may be used exclusively by societies for agricultural, horticultural, mechanical and philosophical purposes, and not for pecuniary profit.

Eleventh. All the money collected and on hand within this State of every kind and nature of fraternal beneficiary societies and the subordinate lodges thereof which are organized and exist or admitted to do business under the laws of the State of Illinois, and used exclusively for the purposes of such societies, and not for pecuniary profit.

APPROVED May 18, 1905.

#### GENERAL LEVY FOR STATE PURPOSES.

§ 1. "Revenue fund" \$5,000,000 per annum—  
"State School fund," \$1,000,000 — in  
lieu of "two mill tax," \$1,000,000.

§ 2. Computation and certification of tax rate  
regulated.

Approved May 12, 1905.

#### *AN ACT to provide for the necessary revenue for State purposes.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there shall be raised, by levying a tax by valuation upon the assessed taxable property of the State, the following sums for the purposes hereinafter set forth:

For general State purposes to be designated "Revenue fund," the sum of five million (5,000,000) dollars upon the assessed value of the property for the year A. D., 1905; five million (5,000,000) dollars upon the assessed value of property for the year A. D., 1906; and for State school purposes, to be designated "State school fund," the sum of one million (1,000,000) dollars upon the assessed taxable property for the year A. D., 1905, and the sum of one million (1,000,000) dollars upon the assessed taxable property for the year A. D., 1906, in lieu of the two mill tax.

§ 2. The Governor, Auditor and Treasurer shall annually compute the several rates per cent required to produce not less than the above amounts, anything in any other act providing a different manner of ascertaining the amount of revenue required to be levied for State purposes to the contrary notwithstanding, and when so ascertained, the Auditor shall certify to the county clerk the proper rates per cent therefor, and also such definite rates for other purposes as are now or



may hereafter be provided by law, to be levied and collected as State taxes, and all other laws and parts of laws in conflict with this act are hereby repealed.

APPROVED May 12, 1905.

#### LEGALIZING CERTAIN TAX LEVIES.

§ 1. Legalizes acts of county boards in making certain tax levies.

§ 2. Emergency.

Approved February 28, 1905.

*AN ACT to make legal and valid the acts of the county board heretofore done in determining the amounts of all taxes to be raised for county purposes in their respective counties, and to make legal and valid the levy of taxes for county purposes thereunder.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That when the county board of any county heretofore in determining the amounts of all taxes to be raised for county purposes in any year, has at its September session in such year determined said amounts by naming a fixed and definite sum to be so raised without naming the particular or specific purposes for which said taxes, when collected, shall be appropriated, expended or raised, and when any county board heretofore in determining the amounts of all taxes to be raised for county purposes in any year, has at its September session in such year declared or provided that a certain number of cents on each one hundred dollars of valuation of property shall be raised for county purposes, not exceeding seventy-five cents on each one hundred dollars of such valuation and without naming the particular or specific purposes for which said taxes when collected shall be appropriated, expended or raised, and when any county board heretofore in determining the amounts of all taxes to be raised for county purposes in any year, has at its September session in such year declared or provided that a certain number of cents on each one hundred dollars of valuation of property shall be raised for county purposes not exceeding seventy-five cents on the one hundred dollars of valuation of property and has named the particular or specific purposes for which such taxes when collected shall be appropriated, expended or raised, such determination and the taxes assessed, levied or extended, shall be and are hereby declared to be legal and valid, anything in any law of this State to the contrary notwithstanding.

§ 2. WHEREAS, An emergency exists, therefore this act shall take effect and be in force from and after its passage.

APPROVED February 28, 1905.

## LEVY AND EXTENSION OF TAXES.

§ 1. Amends several sections act of 1898.

§ 10. County clerk—making up tax books—lists of lands and lots.

§ 13. Lists in counties of 125,000 inhabitants.

§ 14. Quadrennial assessment—duties of assessor.

§ 29. Publication of assessment list—board of review—publication of list.

§ 35. Board of review—actual duties.

§ 43. Delivery of books—assessment books declared public records.

Approved May 18, 1905.

AN ACT to amend sections thirteen (13), fourteen (14), twenty-nine (29), thirty-five (35) and forty-three (43) of an act entitled, "An act for the assessment of property, and providing the means therefor, and to repeal a certain act therein named," approved February 25, 1898, in force July 1, 1898, and section ten (10) thereof as amended by act of May 14, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections thirteen (13), fourteen (14), twenty-nine (29), thirty-five (35), and forty-three (43), of an act entitled, "An act for the assessment of property and providing the means therefor, and to repeal a certain act therein named," approved February 25, 1898, in force July 1, 1898, and section ten (10) thereof as amended by act of May 14, 1903, be, and the same are hereby amended so as to read as follows:

§ 10. The county clerk shall before the first day of April, in the year 1907, and every fourth year thereafter, make up, in books to be provided for that purpose, a list of lands and lots to be assessed for taxes in the manner provided in the general revenue law. He shall also annually after the adoption of this act before the first day of April make a list of lands and lots which are taxable, or which shall become taxable for the first time, and which are not already listed, and a list of lands and lots which have been subdivided and not listed by the proper description. Such lists shall be made up in the manner in which the county clerk is required by the general revenue law to make such lists: *Provided*, that in counties of 125,000 inhabitants, or over, said books shall be made in triplicate.

§ 13. All such lists, valuations and entries shall, in counties of 125,000 inhabitants or over, be made in triplicate assessment books; in all other counties in duplicate books. The assessor shall, also, from time to time, make such alterations in the description of real property as he may find necessary, and when real property has been subdivided since the making of the general assessment, shall from time to time correct the descriptions so that they shall correspond to the subdivisions, and distribute the assessment in the proper proportions among the lots or parcels into which the land shall have been subdivided, and in case of a vacation of a subdivision re-adjust the descriptions of the assessment accordingly.

§ 14. On or before the first day of June in each year, other than the year of the quadrennial assessment, the assessor shall determine

the amount, in his opinion, of any change in the value of any tracts or lots of land by reason of any injury to, alteration in or addition to, the improvements thereon, since the first of April in the preceding year and prior to the first of April in the current year, and add to or deduct from the assessment accordingly, setting down the amount of such change in a proper column in the assessment books. The value of lands and improvements shall be separately fixed, and shall, in any assessment made hereafter, be set down in separate columns in said assessor's books. The assessors shall not in any year, except the year of the quadrennial assessment, change the valuation of any real estate or improvements or the division thereof, except as above provided in this section: *Provided, however,* that if at any time before judgment or order of sale therefor the said assessors shall discover an error or mistake (other than errors of judgment as to the valuation of any real or personal property) in any assessment of any property belonging to any person or corporation, they shall issue to the person or corporation erroneously assessed a certificate setting forth the nature of such error and the cause or causes which operated to produce the same, which said certificate, when properly endorsed by the majority of the board of review, showing their concurrence therein, and not otherwise, may be used in evidence in any court of competent jurisdiction and when so introduced in evidence such certificate shall become a part of the court record and shall not be removed from the files except on an order of the court.

§ 29. As soon as the county assessor or supervisor of assessments shall have the personal property assessment list completed, as herein provided, in the year A. D. 1905, and in each year thereafter, he shall cause to be published a full and complete list of such assessment by township or assessment district, which publication shall be made on or before July 10th of each year. When the board of review shall have acted upon the assessment list of real property, as herein provided, in the year A. D. 1907 and every four years thereafter, such board of review shall cause to be published a full and complete list of such assessment on real property by township or assessment districts, together with all changes made by the board of review under the authority of this act, such changes to be indicated in a separate column. The publications herein provided for shall be made in some public newspaper in said county: *Provided,* that in every township or assessment district in which there is published one or more newspapers of general circulation, the list of such township or assessment district shall be published in one of said newspapers so published in said township or assessment district: *And, provided,* that said newspapers shall not receive for the publishing of said assessment list more than three (3) cents per name for each person or corporation or piece of real estate so assessed; and if it be found impossible to secure publication at that price, the publication shall be let to the lowest bidder at a price not to exceed five (5) cents per tract; and the publisher of such paper shall furnish to the county assessor, the county supervisor of assessments and the board of review as many copies of said



paper containing the assessment list as they may require, at a cost not exceeding five (5) cents per copy: *Provided, further*, that in each year, except the year of the quadrennial assessment, publication shall only be made of the assessment of personal property; but the real estate assessment shall be published in full, as above provided, every year in which there shall be a general assessment: *Provided, further*, that in counties of 125,000 inhabitants or over, the assessors and board of review shall publish the assessment lists in pamphlet form by election districts in lieu of publication in a newspaper: *And, provided*, that the assessors and board of review shall cause to be mailed to each taxpayer in said election precinct a copy of the said list for his precinct: *And, provided, further*, that in case said assessment is not published in conformity with law, and was not mailed in accordance with the provisions of this act, the failure to so publish the same or mail the same shall not be considered as a valid objection to a judgment for tax sale in the county court. The expense of such printing and publication shall be paid out of the county treasury.

§ 35. The board of review shall, in any year, whether the year of the quadrennial assessment or not:

First. Assess all property subject to assessment which shall not have been assessed by the assessors; and the board may make such alterations in the description of real or personal property as it shall deem necessary.

Second. On complaint in writing that any property described in such complaint is incorrectly assessed, the board shall review the assessment, and correct the same, as shall appear to be just. Such complaint to affect the assessment for the current year shall be filed on or before the first day of August: *Provided*, That if the assessment books containing the assessment complained of are not filed with the board of review by the twentieth day of July, then such complaint shall be filed on or before ten days thereafter. The board may also, of its own motion, at any time before its revision of the assessments is completed in every year, increase, reduce or otherwise adjust the assessment of any individual or corporation, on real property or personalty, making changes in the valuations thereof as may be just, and shall have full power over the assessment of any individual or corporation, and may do anything in regard thereto that it may deem necessary to make a just assessment; but no assessment shall be increased until the person or corporation to be affected shall have been notified, and given an opportunity to be heard, except as hereinafter provided; and before making any reduction in assessments of its own motion the board of review shall give notice to the board of assessors which certified the assessment, and give such assessors an opportunity to be heard thereon. All complaints of errors in assessments, real or personal, shall be in writing, and shall be filed by the complaining party with said board of review, in duplicate, and the duplicate shall be forthwith filed by the board of review with the board of assessors certifying such assessment. Complaints relating to real estate shall be classified by towns by the clerk of said board of review, and complaints relating to personal property shall be classified in



such manner as the board of review shall determine, by order for that purpose, duly entered of record; all classes of complaints to be docketed numerically, each in its own class, in the order in which they shall be presented, as near as may be, in books kept for that purpose, which books shall always be open to public inspection. Complaints relating to real estate shall be considered by towns, and complaints relating to personal property shall be heard in their order by classes, in pursuance of the order of the board heretofore mentioned, until all complaints have been heard and passed upon by the board.

In counties of 125,000 inhabitants or over, in each year, the assessment list of real estate, as made by the board of assessors, shall be prepared in triplicate, and the three complete lists shall be certified by the assessors to the board of review when the assessment required by law is completed by them. In revising assessments in any year the board of review shall note all changes it shall make in the valuations of real estate on all of said assessment lists, and shall duly make return of one complete list to the county clerk, as required by law, and one to the board of assessors and retain the other. On the books so retained it shall note all changes made by it in the valuations of property after that date, upon the hearings provided for in this act. And in making its annual return each year to the county clerk, and to the assessor, as herein provided, it shall enter therein all such changes.

In other counties the assessment list of real estate as made by the board of assessors or supervisor of assessments, shall be delivered, when complete, to the board of review; and after the revision thereof has been completed by the board of review, and changes noted thereon, the same shall be duly returned to the county clerk, as required by law.

After making its annual return of the revised assessment to the board of review, as required by law, the board of assessors in counties of 125,000 inhabitants, or over, shall have the power, in any year, except the last year preceding each quadrennial assessment, to consider and correct the valuations of real property for the next succeeding annual assessment, in the same manner, upon complaints filed from time to time, and upon complaint filed shall proceed to do so; and such changes as it shall make in any such valuations shall be noted upon the assessment list remaining in its custody, and include the same in its annual return to the county clerk and the board of review. All such changes to be reviewed by the board of review each year as in cases of any assessments.

For the purpose of hearing and determining complaints of errors in the valuation of real property for the next succeeding assessment thereof and correcting the valuations of any such property as shall be just, after its annual return has been made, as herein provided, the board of review shall, on the first Tuesday of November and the first Tuesday of each month thereafter until and including the first Tuesday of March in each year (except the year last preceding the quadrennial assessment) and at such other times as it may be necessary, hold public sessions at its board rooms, and continue such sessions

from day to day until all complaints and other business have been disposed of. Complaints passed or undisposed of at any session shall be first considered at the next succeeding monthly session and past complaints shall be disposed of at each session before later complaints shall be considered. Upon any hearing of a complaint, or on a proposal for any increase originating with said board, where notice is required as herein provided, the said board shall sit together, and hear the representations of the parties interested, or their representatives, and no change shall be made in any assessment of real property unless at least a majority of said board shall concur therein; and in such case an order therefor shall be made in open session, and entered of record on the books of the board: *Provided*, that in counties of less than 125,000 inhabitants monthly sessions of the board of review shall not be required.

Third. Increase or reduce the entire assessment of either real or personal property, or both, or of any class included therein, if in their opinion the assessment has not been made upon the proper basis, or equalize the assessment of real or personal property by increasing or reducing the amount thereof, in any township, or part thereof, or any portion of the county, as may, in their opinion, be just, but the assessment of any class of property, or of any township, or part thereof, or any portion of the county, shall not be increased until the board shall have notified not less than fifty of the owners of property in such township, or part thereof, or portion of the county of such proposed increase, and given them, or any one representing them, or other citizens of said territory, an opportunity to be heard. The board of assessors shall have like notice of any proposed increase or reduction, with an opportunity to be heard thereon, except where such action is taken in individual cases upon complaint. The board shall hear any person, upon request, in opposition to a proposed reduction in the assessment of any person, corporation or territory.

Fourth. Hear and determine the application of any person who is assessed on property claimed to be exempt from taxation. If the board shall determine that any such property is not liable to taxation and the question as to the liability of such property to taxation has not previously been judicially determined, the decision of said board shall not be final unless approved by the Auditor of Public Accounts; and it shall be the duty of the clerk of the board in all such cases, under the direction of the board, to make out and forward to the Auditor a full and complete statement of all the facts in the case. If the Auditor is satisfied that such property is not legally liable to taxation he shall notify the board of review of his approval of its decision, and the board shall correct the assessment accordingly. But if the Auditor is satisfied that such property is liable to taxation, he shall advise the board of his objection to its decision, and give notice to said board that he will apply to the Supreme Court, specifying to what term thereof, for an order to set aside and annul the decision of the board of review. Upon receipt of such notice the clerk shall notify the person making the application aforesaid. It shall be the duty of the Auditor to then file in the Supreme Court a certified statement of the facts certified by the clerk as aforesaid, together with his objections thereto, and

the court shall hear and determine the matter as the right of the case may be. If the board of review shall decide that property so claimed to be exempt is liable to be taxed, and the party aggrieved at the time shall pray an appeal, a brief statement of the facts in the case shall be made by the clerk, under the direction of the board, and transmitted to the Auditor, who shall present the case to the Supreme Court in like manner as hereinbefore provided. In either case the collection of the tax shall not be delayed thereby, but in case the property is decided to be exempt the tax shall be abated and refunded.

Fifth. They shall, at any time before judgment, if an error or mistake is discovered (other than errors of judgment as to the valuation of any real or personal property), in an assessment of any real or personal property belonging to any person or corporation, issue a certificate setting forth the nature of such error, and the cause or causes which operated to produce such error or mistake to the person or corporation erroneously assessed, which said certificate, when properly endorsed by the board of assessors, showing their concurrence therein, and not otherwise, may be used in evidence in any court of competent jurisdiction, and when so introduced in evidence such certificate shall become a part of the court records, and shall not be removed from the files except upon the order of the court.

The term "quadrennial assessment" as used in this act shall be taken to mean the general assessment of real estate and improvements required by law to be made once in four years.

§ 43. When the books are so completed the board of review shall deliver one set of the books containing the assessment of real property and the books containing the assessment of personal property to the county clerk, who shall file the same in his office; one set of the books containing the assessment of real property shall be returned to the board of assessors, or supervisor of assessments; and when triplicate sets of books are required by this act, the remaining set of books containing such assessment shall remain in the office of the board of review. All such books shall be public records and open to the inspection of all persons. The assessment so completed by the board of review and certified to the county clerk and as equalized as provided by law, shall be the assessment upon which the taxes of that year shall be extended by the county clerk.

APPROVED May 18, 1905.

#### REDUCTION OF TAX RATE REGULATED.

§ 1. Amends section 2, act of 1901.

Approved March 29, 1905.

§ 2. Prescribes the manner of extending and levying taxes—tax rate for county purposes.

AN ACT to amend section 2 of an act entitled, "An act concerning the levy and extension of taxes," approved May 9, 1901, in force July 1, 1901.

SECTION 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly: That section 2 of an act en-



titled, "An act concerning the levy and extension of taxes," approved May 9, 1901, in force July 1, 1901, be and the same hereby is amended to read as follows:

§ 2. The county clerk in each county shall ascertain the rates per cent required to be extended upon the assessed valuation of the taxable property in the respective towns, townships, districts, incorporated cities and villages in his county, as equalized by the State Board of Equalization for the current year, to produce the several amounts certified for extension by the taxing authorities in said county (as the same shall have been reduced as hereinbefore provided in all cases where the original amounts exceed the amount authorized by law): *Provided, however*, that if the aggregate of all the taxes (exclusive of State taxes, village taxes, levee taxes, school building taxes, district school taxes, high school taxes and all other school taxes, road and bridge taxes, and also bonded indebtedness taxes in cities whose bonded indebtedness exceeds ten per cent of the assessed valuation of the property therein upon which, under existing laws, taxes are required to be extended, and taxes levied pursuant to the mandate or judgment of any court of record on any bonded indebtedness), certified to be extended against any property in any part of any taxing district or municipality, shall exceed five per cent of the assessed valuation thereof upon which the taxes are required to be extended, the rate per cent of the tax levy of such taxing district or municipality shall be reduced as follows: The county clerk shall reduce the rate per cent of the tax levy of such taxing district or municipality in the same proportion in which it would be necessary to reduce the highest aggregate per cent of all the tax levies (exclusive of State taxes, village taxes, levee taxes, and all other school taxes, road and bridge taxes, and also bonded indebtedness taxes in cities whose bonded indebtedness exceeds ten per cent of the assessed valuation of the property therein upon which, under existing laws, taxes are required to be extended, and taxes levied pursuant to the mandate or judgment of any court of record on any bonded indebtedness), certified for extension upon any of the taxable property in said taxing district or municipality, to bring the same down to five per cent of the assessed value of said taxable property upon which said taxes are required by law to be extended: *Provided further*, that in reducing tax levies hereunder the rate per cent of the tax levy for county purposes shall not be reduced below a rate of sixty-five cents on each one hundred dollars assessed value and the rate per cent of the tax levy for city purposes, exclusive of library, school and park purposes, shall not be reduced below a rate of one dollar and eighty cents on each one hundred dollars assessed value, but the other tax levies which are subject to reduction under this section shall be subject only to such reduction, respectively, as would be made therein under this section if this proviso were not inserted herein: *And, provided, further*, in reducing tax levies hereunder all school taxes levied in cities exceeding 100,000 inhabitants, with the exception of the levy for school building purposes, shall be included in the taxes to be reduced.



The rate per cent of the tax levy of every county, city, town, township, school district, park district, sanitary district, road district, and other public authorities (except the State), shall be ascertained and determined (and reduced when necessary as above provided), in the manner hereinbefore specified, and shall then be extended by the county clerk upon the assessed value of the property subject thereto as equalized according to law. In reducing the rate per cent of any tax levy, as hereinbefore provided, the rates per cent of all tax levies certified to the county clerk for extension as originally ascertained and determined under section one of this act shall be used in ascertaining the aggregate of all taxes certified to be extended, without regard to any reductions made therein under this section: *Provided*, that no reduction of any tax levy made hereunder shall diminish any amount appropriated by corporate or taxing authorities for the payment of the principal or interest on bonded debt, or levied pursuant to the mandate or judgment of any court of record. And to that end every such taxing body shall certify to the county clerk with its tax levy, the amount thereof required for any such purposes.

In case of a reduction hereunder any taxing body whose levy is affected thereby and whose appropriations are required by law to be itemized, may after the same has been ascertained, distribute the amount of such reduction among the items of its appropriations, with the exceptions aforesaid, as it may elect. If no such election be made within three months after the extension of such tax, all such items, except as above specified, shall be deemed to be reduced *pro rata*.

APPROVED March 29, 1905.

## ROADS AND BRIDGES.

### COMPENSATION OF HIGHWAY COMMISSIONERS.

§ 1. Amends section 66, act of 1883.

Approved May 13, 1905.

§ 66. Compensation of commissioners.

AN ACT to amend section 66 of an act entitled, "An act in regard to roads and bridges in counties under township organization, and to repeal an act and parts of acts therein named," approved June 23, 1883, in force July 1, 1883.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 66 of an act entitled "An act in regard to roads and bridges in counties under township organization, and to repeal an act and parts of acts therein named," approved June 23, 1883, in force July 1, 1883, be amended so as to read as follows:

§ 66. COMMISSIONERS' COMPENSATION.]—The commissioners shall each receive for their services the sum of two dollars per day for each day necessarily employed in the performance of their duties, upon a sworn statement to be filed by each commissioner in the town clerk's office showing the number of days he was employed, and the kind of employment, and giving the dates thereof.

APPROVED May 13, 1905.

#### DAMAGES AND BENEFITS ON ACCOUNT OF ROADS.

§ 1. Amends section 64, act of 1887.

Approved May 13, 1905.

§ 64. Damages or benefits awarded to be included in tax levy—separate fund created.

AN ACT to amend section sixty-four (64) of "An act to provide for the organization of road districts, the election and duties of officers therein, and in regard to roads and bridges, in counties not under township organization, and to repeal an act and parts of acts therein named," approved May 4, 1887, in force July 1, 1887.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section sixty-four (64) of "An act to provide for the organization of road districts, the election and duties of officers therein, and in regard to roads and bridges, in counties not under township organization, and to repeal an act and parts of acts therein named," be, and the same is hereby amended so as to read as follows:

§ 64. When damages or benefits have been agreed upon, allowed or awarded for laying out, widening, altering or vacating roads, or for ditching or leveeing to drain or protect roads, the amounts of such damages or benefits, or of any installment or installments thereof, not to exceed, for any one year, twenty (20) cents on each \$100.00 of the taxable property of the town or road district, shall be included in the first succeeding tax levy provided for in section 62 of this act, and shall be in addition to the levy for road and bridge purposes; and when collected shall constitute and be held by the treasurer of the road district as a separate fund to be paid out to the parties entitled to receive the same.

APPROVED May 13, 1905.

## HARD ROADS WITHIN MUNICIPAL LIMITS.

§ 1. Adds a new section to act of 1883.

Approved May 16, 1905.

§ 16½. Hard roads through corporate limits of municipalities.

AN ACT to amend an act entitled, "An act to authorize the construction and maintenance of gravel, rock, macadam, or other hard roads," approved June 18, 1883, in force July 1, 1883, by adding a new section thereto, to be known as section 16 1-2.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an act entitled "An act to authorize the construction and maintenance of gravel, rock, macadam or other hard roads," approved June 18, 1883, in force July 1, 1883, be and the same is hereby amended by adding thereto the following section:

§16½. Whenever a special tax shall have been levied under the provisions of this act in any town, the commissioners of highways of such town may, by agreement with the city council or board of trustees of any city or village of less than ten thousand population within the limits of such town, extend any road improved under the provisions of this act within or through the corporate limits of such city or village: *Provided*, such extension within such city or village shall be of the same cost and kind of material as the road outside such city or village, to be paid for out of said special tax and after completion to be maintained by the municipal authorities of such city or village, at the cost of such city or village.

APPROVED May 16, 1905.

## PETITIONS FOR OPENING OR ALTERING ROADS.

§ 1. Amends section 59, act of 1883.

Approved May 16, 1905.

§ 59. Who may appeal from decision of commissioners.

AN ACT to amend section fifty-nine (59) of an act entitled, "An act in regard to roads and bridges in counties under township organization, and to repeal an act and parts of acts therein named," approved June 23, 1883, in force July 1, 1883.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section fifty-nine (59) of an act entitled, "An act in regard to roads and bridges in counties under township organization, and to repeal an act and parts of acts therein named," approved June 23, 1883, in force July 1, 1883, be, and the same is hereby amended to read as follows:

§ 59. Any qualified petitioner or petitioners who may have signed a petition for the purpose mentioned in section 31 of this act, or any person or persons interested in the decision of the commissioners in determining to or refusing to lay out, alter, widen or vacate any road

or revoking any previous order or decision relative to any road, or in the verdict of any jury in assessing damages in opening, altering or vacating any road, may appeal from such decision to three supervisors of the county, outside of the town or towns in which such road or proposed road is located, within ten days after such decision has been filed in the office of the town clerk, by filing a written petition with some justice of the peace of the county, asking for an appeal, and stating on what grounds such an appeal is taken.

APPROVED May 16, 1905.

#### ROADS ALONG WATER COURSES.

§ 1. Highway commissioners may change course of stream. | Approved May 16, 1905.

AN ACT entitled, "*An act to enable commissioners of highways in counties not under township organization to straighten water courses in the construction of public roads.*"

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That whenever, in counties not under township organization, any public road shall be petitioned for, and located, in part, in the bed of any stream, that the commissioners of the several districts are hereby authorized to enter upon the adjacent land on which said stream is located, for the purpose of changing the current of the said stream, so that it will not flow upon or over such proposed roadway; and to dig any necessary ditches for such purpose: *Provided*, that in case the owner of such land or his agent shall not consent to such straightening of said stream, then the commissioners shall first proceed to have the damages assessed and paid, in the same manner as is now provided for the assessment and payment of damages in proceedings to open ditches for the drainage of public highways.

APPROVED May 16, 1905.



## SCHOOLS.

## BOND ISSUE BY CERTAIN SCHOOL DISTRICTS.

§ 1. Amends section 1 and 4, act of 1901.

§ 1. Districts under special charters may issue bonds.

§ 4. Election for borrowing money regulated.

§ 2. Emergency.

Approved March 30, 1905.

AN ACT to amend sections one (1) and four (4) of an act entitled, "An act to authorize certain school districts to issue bonds for certain purposes," approved and in force May 10, 1901.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections one (1) and four (4) of an act entitled, "An act to authorize certain school districts to issue bonds for certain purposes," approved and in force May 10, 1901, be and the same are hereby amended to read as follows:

§ 1. That for the purpose of building or repairing school houses, or purchasing or improving school sites, any school district in this State, existing by virtue of any special charter, and governed by such special charter, and special or general school laws, whose boundaries are co-extensive with or greater than the boundaries of any incorporated city, town or village, where authorized by a majority of all the votes cast at an election called for that purpose, may borrow money, and as evidence of such indebtedness, may issue bonds in denominations of not less than one hundred (100) dollars, nor more than one thousand (1,000) dollars, for a term not to exceed twenty (20) years, bearing interest at a rate not to exceed five (5) per centum per annum, payable annually, semi-annually or quarterly and signed by the president and secretary of the school board of such school district: *Provided*, that the amount borrowed in any one year shall not exceed, including existing indebtedness, five (5) per centum of the taxable property of such school district, to be ascertained by the last assessment for State and county taxes previous to incurring such indebtedness.

§ 4. Whenever it is desired to hold an election for the purpose of borrowing money, as provided by this act, the school board of such district in which such election is to be held, shall give ten (10) days' notice of the holding of such election, by posting notices in at least three public places in such school district. Such notices shall specify the place where such election is to be held, the time of opening and closing the polls and the proposition to be voted on. At such election two members of the school board shall act as judges and one member shall act as clerk. The judges and clerk shall take the oath required of judges and clerks of an election held for county or township officers. At such election all votes shall be by ballot.

§ 2. WHEREAS, An emergency exists, this act shall be in full force and effect from and after its passage.

APPROVED March 30, 1905.

CLASSES FOR CRIPPLED CHILDREN.

§ 1. Classes for cripples authorized.

§ 2. Annual reports.

§ 3. Teacher's certificate.

§ 4. Repeal.

Approved May 18, 1905

AN ACT to authorize school districts to establish and maintain classes for crippled children in the public schools.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That upon the application of a board of education or board of directors of any school district to the county superintendent, he shall grant permission to such board of education or board of directors, and such board of education or board of directors shall be empowered thereby to establish and maintain, as part of the public schools of such district, one or more classes having an average attendance of not fewer than fifteen pupils, for the instruction of crippled children over the age of six and under twenty-one years.

§ 2. Any board of education or board of directors that shall establish and maintain one or more classes for the instruction of crippled children, shall report to the county superintendent annually, and as often as the county superintendent shall direct, such information concerning the class or classes so established and maintained, as the Superintendent of Public Instruction may require.

§ 3. No person shall be employed to teach any such class or classes, who shall not have first obtained a certificate of qualification as required by law.

§ 4. An act authorizing school districts managed by boards of education or directors to establish and maintain schools or classes for crippled children in the public schools, and authorizing payment therefor from the State common school funds, approved May 13, 1903, is hereby repealed.

APPROVED May 18, 1905.

## CLASSES FOR THE DEAF IN PUBLIC SCHOOLS.

§ 1. Classes for deaf authorized.

§ 3. Teachers' certificates.

§ 2. Annual reports to county superintendent.

§ 4. Repeal.

Approved May 18, 1905.

AN ACT *authorize* [authorizing] school districts to establish and maintain classes for the deaf in the public schools.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That upon the application by a board of education or board of directors of any school district to the county superintendent, he shall grant permission to such board of education or board of directors, and such board of education or board of directors shall be empowered thereby to establish and maintain, as part of the public schools of such district, one or more classes, having an average attendance of not fewer than three pupils, for the instruction of deaf persons over the age of three and under twenty-one years.

§ 2. Any board of education or board of directors that shall establish and maintain one or more classes for the instruction of the deaf shall report to the county superintendent annually, and as often as the county superintendent shall direct, such information concerning the class or classes so established and maintained as the superintendent of public instruction may require.

§ 3. No person shall be employed to teach any such class or classes who shall not have first obtained a certificate of qualification, as required by law, and who shall not have received instruction in the methods of teaching the deaf for a term of not less than one year.

§ 4. An act authorizing school districts managed by board of education or directors to establish and maintain classes for the deaf in the public schools, and authorizing payment therefor from State common school funds, approved June 11, 1897, is hereby repealed.

APPROVED May 18, 1905.

## ELECTION OF SCHOOL BOARD.

§ 1. Amends section 8, article 6, act of 1889.

Approved May 12, 1905.

§ 8. School boards may establish voting precincts.

AN ACT *to amend section 8 of article 6 of an act entitled, "An act to establish and maintain a system of free schools," approved and in force May 21, 1889.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 8 of article 6 of an act entitled "An act to establish and maintain a system of free schools," approved and in force May 21, 1889, be and the same is hereby amended so as to read as follows:

§ 8. Such election shall be conducted in the same manner, and be governed by the provisions of this act relating to the election of boards of directors, except as otherwise provided by law: *Provided, however,* that boards of education shall have power to establish a suitable number of voting precincts and fix the boundaries thereof for the accommodation of the voters of the district in which such election is held, in each of which voting precincts there shall be one polling place designated by the board. Whenever such board of education shall under the provisions of this act establish more than one voting precinct for such election they shall appoint two judges and one clerk for each polling place, assigning so far as may be at least one member of such board to each polling place.

APPROVED May 12, 1905.

#### HIGH SCHOOL DISTRICTS.

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|---|---|
| § 1. How districts may be organized—petition—notice—election. | § 5. President of board—term—duties.    |
| § 2. Board of education—how constituted.                      | § 6. Powers and duties of board.        |
| § 3. Number of board—how determined—election—first meeting.   | § 7. Borrowing money and issuing bonds. |
| § 4. Organization of board—secretary—treasurer.               | § 8. Annexing adjoining districts.      |
|   | Approved May 12, 1905.                  |

AN ACT to authorize the organization of high school districts.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* When any school township not constituting the whole or any part of a township high school district shall contain a school district having a population of not less than eight thousand (8,000) and not over one hundred thousand (100,000) inhabitants, whether such school district is acting under the general school law or organized and acting under a special charter, such school township may become organized as a high school district by submitting the question of such organization to a vote of the people of such township at a special election to be called and held in the following manner, to-wit:

Upon a petition of not less than fifty (50) legal voters of any such school township, filed with the county superintendent of schools of the county wherein such township or the greater part thereof may be situated, he shall within ten days thereafter notify the voters of said township that an election "For" or "Against" a high school district in said township will be held at the usual place or places of holding elections in said township for the election of trustees of schools, by posting notices of such election in at least ten of the most public places throughout such township for at least ten days before the election, which notices may be in the following form:



## HIGH SCHOOL DISTRICT ELECTION.

Notice is hereby given that on .....the..... day of .....A. D....., an election will be held at..... for the purpose of voting "For" or "Against" the proposition to establish a high school district in and for the benefit of township No....., Range No.....

The polls of said election will be open at.....o'clock and close at .....o'clock of said day.

.....  
*County Superintendent of Schools of.....County.*

Such election shall be held within twenty days after the filing of said petition and shall be conducted and the ballots cast thereat shall be canvassed and the returns thereof made to said county superintendent of schools as and within the time and the manner provided for elections of school trustees in and by article three (3) of an act of the General Assembly of the State of Illinois entitled, "An act to establish and maintain a system of free schools," approved May 21, 1889, and the amendments thereto, and if a majority of the votes cast at such election shall be found to be in favor of a high school district such township shall constitute a school district under this act for high school purposes.

§ 2. The members of the board of education of such school district so containing not less than eight thousand (8,000) inhabitants together with such additional members to be selected from the respective boards of directors or boards of education, as the case may be, of the several other school districts situated within such school township as may be determined upon, shall constitute the board of education of such high school district, and such board when chosen, organized and qualified, shall have the powers and discharge the duties respectively of the board of education of said school district in such township having over eight thousand (8,000) inhabitants. The term of office of each of said members of such high school district shall be for the same length of time that they respectively continue in office as such members of the respective boards of the school districts from which they may be selected, and until their respective successors may be selected and qualified.

§ 3. The county superintendent of schools of the county wherein such township or the greater part thereof shall be situated, shall within ten days after the returns of such election shall have been made to him, determine the number of members of the board of education of such high school district to be chosen from the respective boards of the several school districts in such school township in the following manner, to-wit: He shall first obtain a ratio of representation by dividing the number of persons under twenty-one years of age residing in such school district containing over eight thousand (8,000) inhabitants as ascertained by the last preceding enumeration, by the full number of members constituting the board of education thereof and then assign to each of the other districts in such township one member of such board for each time such ratio may be con-

tained in the respective number of such persons under the age of twenty-one years residing in each of such other districts as ascertained as aforesaid: *Provided, however*, that in case the total number of such members determined in the manner aforesaid shall exceed fifteen, then the said superintendent shall divide the entire number of such persons under the age of twenty-one years residing in such township by fifteen (15) and thereby obtain a new ratio and then make an apportionment between all the primary school districts in such school township, upon the basis of such new ratio, assigning one member for every time such ratio shall be contained in the number of such persons residing in each of such districts respectively and one member for the largest fractions of such ratio, if necessary, to make the total number equal to fifteen, and within three days thereafter said superintendent shall notify the president of each of the said boards of said primary school districts of the result of such apportionment and that said boards must make a selection of the number of members of said high school board of education, each of their respective school districts shall be entitled to. Within ten days after such notice shall have been given, the said respective boards of the primary school districts in such township shall meet upon a call of the president thereof and elect by ballot the number of members of said high school district, such primary school districts may be entitled to respectively, and the president and secretary of said boards shall certify the result of such election in writing to the said county superintendent within three days thereafter, and thereupon the said county superintendent shall appoint a meeting of the several persons so chosen, for the purpose of organization, and give each person so chosen notice by mail postpaid of such meeting and the time and place thereof.

§ 4. Said board shall organize by appointing one of their number president and some person who shall not be a member of such board but who shall be a resident of such high school district, treasurer, who shall be *ex officio* clerk of such board: *Provided*, that said board may, by a resolution to be adopted by a two-thirds vote of all the members thereof, determine to elect one of its own members secretary and fix his compensation and the term of his office, and by a like resolution, said board shall determine when the term of office of the president and treasurer shall commence. The treasurer shall execute a like bond to the board of education in the same manner with like sureties and with the same force and effect as the bonds which are required to be given by township treasurers in and by article four (4) of said act, and shall exercise the power and discharge the duties of his office in the same manner, as near as may be, as is required by such township treasurers and shall hold his office for one year and until his successor is appointed and qualified, but may be removed by the board for good and sufficient cause.

§ 5. The president shall hold his office for one year and until his successor shall be appointed, but he may be removed by the board for good and sufficient cause. It shall be his duty to preside at all meetings of the board and it shall be the duty of the clerk to be

present at all meetings of the board, and to record in a book to be provided for that purpose all of their official proceedings, which book shall be a public record, open to the inspection of any person interested therein. All of said proceedings when recorded shall be signed by the clerk. If the president or clerk shall be absent or refuse to perform any of the duties of his office at any meeting of the board, a president or clerk *pro tem* may be appointed.

§ 6. For the purpose of building school houses, supporting schools and paying other necessary expenses, the townships for the benefit of which high school district may be established under the provisions of this act, shall be regarded as school districts and the board of education thereof shall have power and authority to levy a tax annually upon all the taxable property of such high school district of one-half the amount which boards of education of township high schools organized and acting under the provisions of sections 38, 39, 40, 41 and 42 of article three (3) of said act, now have power and authority to raise. It shall be the duty of such high school board of education to establish at some central point most convenient to a majority of the pupils of the district, a high school for the education of the more advanced pupils and said board may establish and maintain a manual training department and a domestic science department.

§ 7. High school districts organized under the provisions of this act may borrow money and issue bonds therefor for the purposes and in the manner authorized and provided in and by an act entitled, "An act to authorize the certain school districts to issue bonds for certain purposes," approved May 10, 1901: *Provided, however*, that the amount so borrowed shall not exceed three-fourths the amount authorized by said act.

§ 8. One or more school districts adjoining any high school district organized and existing under this act may be annexed to such high school district and become a part thereof by a joint resolution or resolutions to be adopted by a vote of a majority of all the members of the board of directors or board of education of the district or districts so to be annexed, and by a majority vote of all the members constituting the said board of education of such high school district, which joint resolution or resolutions shall set forth specifically the terms and conditions of such annexation, and shall provide that such district or districts so to be annexed shall contribute such amount as may be agreed upon toward the cost of any school house or school house lot or other such school property owned by such high school district at the time of such annexation, which amount or amounts so agreed upon and fixed, shall be raised by the respective boards of the district or districts so being annexed in the same manner as such district might have raised a like amount for the purpose of building school houses therein, and when so raised, the same shall be used to pay any existing indebtedness theretofore incurred by such high school district, in the manner to be determined upon by said board:

*Provided, however,* that before any such resolution for the annexation of any such district or districts shall take effect and be in force, the question of the adoption of the same shall be submitted to the legal voters of such said high school district and of the districts proposed to be annexed at elections to be called and held in the same manner as elections for township high schools under section 38, 39 and 40 of article three (3) of the act mentioned in the first section of this act, and a majority of the votes cast in each district at such elections shall be required in order to adopt such resolution.

APPROVED May 12, 1905.

#### LOANING TOWNSHIP FUNDS.

§ 1. Amends section 3, article 4, act of 1889.

Approved May 12, 1905.

§ 3. Loan of funds regulated.

AN ACT to amend section 3, article 4, of an act entitled, "*An act to establish and maintain a system of free schools,*" approved and in force May 21, 1889.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section three (3), article (4), of an act entitled "*An act to establish and maintain a system of free schools,*" approved and in force May 21, 1889, be amended so as to read as follows:

§ 3. Township treasurers shall lend, upon the following conditions, all moneys that shall come into their hands by virtue of their office, except such as may be subject to distribution. The rate of interest shall not be less than four per centum nor more than seven per centum per annum, payable annually, the rate of interest to be determined by a majority of the township trustees at any regular or special meeting of the board. No loan shall be made for less than one year nor more than five years.

All loans shall be secured by mortgage on unincumbered realty situated in this State, worth at least fifty per centum more than the amount loaned, with a condition, that in case additional security shall be required at any time, the same shall be given to the satisfaction of the board of trustees: *Provided, however,* that nothing herein shall prevent the lending of township funds to boards of school directors, taking bonds therefor, as provided in section one, article nine of this act.

APPROVED May 12, 1905.



## SCHOLARSHIPS IN STATE NORMALS.

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| § 1. Scholarships—how apportioned.<br>§ 2. Registration of applicants—duties of county superintendent.<br>§ 3. Examinations for scholarships. | § 4. Successful applicants—certification of names.<br>§ 5. Repeal.<br>Approved May 12, 1905. |
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AN ACT to provide scholarships for graduates of the eighth grade.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That in order to equalize the advantages of the State Normal schools, there shall be awarded annually, to each school township, or fractional township, a scholarship which shall entitle the holder thereof to gratuitous instruction in any State Normal school, for a period of four years: *Provided*, that any township having a population exceeding one hundred thousand inhabitants, shall be entitled to five scholarships.

§ 2. The county superintendent shall receive and register the names of all applicants for such scholarships, and shall hold an examination, or cause an examination to be held, in each township, for the benefit of graduates of the eighth grade: *Provided*, that where a township is divided by county lines, the county superintendent in whose county the sixteenth section is situate shall have charge of the examination in such township.

§ 3. All examinations shall be held on the second Saturday of May in each year, according to rules and regulations prescribed by the Superintendent of Public Instruction, and the pupil found to possess the highest qualifications shall be entitled to such scholarship: *Provided, however*, that such pupil shall be a resident of the township in which such examination is held: *And, provided, further*, that where no application is received from any township, the county superintendent shall assign the pupil found to possess the next highest qualifications to that township.

§ 4. The county superintendent shall certify the names and addresses of all successful applicants, with the number of the township to which each pupil is accredited to the Superintendent of Public Instruction, who shall issue to each pupil a certificate of scholarship which shall be accepted by the authorities of any State Normal school in lieu of any entrance examination, and shall exempt the holder thereof from the payment of tuition, or any term matriculation, or incidental fee whatsoever.

§ 5. Section 7 of an act for the establishment and maintenance of a normal university, as amended; section 13 of an act to establish and maintain the Southern Illinois Normal University; section 13 of an act to establish and maintain the Northern Illinois State Normal School; section 13 of an act to establish and maintain the Eastern Illinois State Normal School; and section 13 of an act to establish and maintain the Western Illinois State Normal School, are hereby repealed.

APPROVED May 12, 1905.

## SCHOLARSHIPS IN UNIVERSITY OF ILLINOIS.

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| § 1. One scholarship for each county.                              | § 5. Privileges of scholarships.  |
| § 2. Registration of applicants — duties of county superintendent. | § 6. Leaves of absence regulated. |
| § 3. Examinations for scholarship.                                 | § 7. Repeal.                      |
| § 4. Four scholarships for each senatorial district.               | Approved May 12, 1905.            |

AN ACT to provide for scholarships in the University of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in order to equalize the advantages of the University of Illinois, there shall be awarded, annually, to each county, one scholarship, which shall entitle the holder thereof to gratuitous instruction in the University of Illinois, for a period of four years.

§ 2. The county superintendent shall receive and register the names of all applicants for such scholarships, and shall hold an examination on the first Saturday in June of each year, according to rules and regulations prescribed by the president of the University and the student found to possess the highest qualifications shall be entitled to such scholarship: *Provided, however,* that every applicant shall be at least sixteen years of age, and a resident of the county in which such examination is held: *And, provided, further,* that no student who has attended the University of Illinois shall be eligible to such examination.

§ 3. The county superintendent shall return to the president of the University within ten days after such examination a list of the names of all applicants examined, the grades obtained, together with the examination papers submitted by them; and the president of the University shall issue to the successful applicant a certificate of scholarship as directed by the provisions of this act: *Provided, however,* that where no return is made from any county, the president of the University may assign to that county from some other county the student found to possess the next highest qualifications.

§ 4. In addition to the scholarships provided for in section one, each member of the General Assembly is authorized to nominate and appoint, annually, one person of school age and otherwise eligible, from his district, who shall, by virtue of this appointment receive a certificate of scholarship in the University. Each member of the General Assembly shall file with the president of the University on or before the first Saturday in June, the name and address of the student nominated by him to receive such scholarship. The candidate for such scholarship shall present himself for examination before the county superintendent in the county where such student resides, at the time stated in section two for the competitive examination. The president of the University shall prescribe the rules and regulations governing such examination: *Provided,* that in case the person named fails to pass the required examination for admission, then the president of said University shall at once notify the member making the appoint-

ment, who may name another person for such scholarship: *Provided, further*, that if the member of the General Assembly shall so elect, the scholarship under his control may be awarded by competitive examination conducted under like rules as prescribed in section two of this act.

§ 5. Any scholarship issued under the provisions of this act shall exempt the holder from the payment of tuition, or any matriculation, term or incidental fee, whatsoever, except for purchase of laboratory supplies and similar fees for supplies and materials: *Provided, however*, that such student shall be subject to all examinations, rules and requirements of the board of trustees and faculty, except as herein directed: *Provided, further*, that the privileges of these scholarships shall not be available in the professional schools and colleges of the University: *And, provided, further*, that this act shall not be construed to prohibit the board of trustees from granting other scholarships.

§ 6. Any student holding a scholarship, who shall make it appear to the satisfaction of the president of the University that he requires leave of absence for the purpose of earning funds to defray his expenses while in attendance, may be granted such leave of absence, and may be allowed a period not to exceed six years to complete his course at the University.

§ 7. An act to provide for State scholarships in the University of Illinois, and the manner of awarding the same, approved June 24, 1895, is hereby repealed.

APPROVED May 12, 1905.

#### SCHOOL INSPECTORS IN CERTAIN DISTRICTS.

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| § 1. What districts elect inspectors—number<br>—term of office. | § 4. Control of school houses and sites regulated. |
| § 2. Powers and duties of inspectors.                           | § 5. Change of district boundaries.                |
| § 3. Levy of school tax—control of school<br>fund.              | § 6. Repeal.                                       |

Approved May 12, 1905.

AN ACT to provide for the election of boards of inspectors in certain cases.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That in every city in this State whose schools have been operating under the provisions of special acts and are governed by a board of school inspectors, and where such city, together with territory added thereto for school purposes, includes two districts for the purpose of electing six inspectors (three in each district) and one district for all other school purposes, there shall continue to be elected a board of school inspectors, consisting of six members (three in each district) and one inspector at large, who shall be chosen for a term of three years.

§ 2. Such board of inspectors, when elected and qualified, shall have power, in addition to the powers conferred upon it by special law and the general school law, to employ teachers, janitors and such other employés as the board of inspectors shall deem necessary and to fix the amount of their compensation, to buy or lease sites for school houses, with the necessary grounds; to build, erect, lease or purchase buildings suitable for school purposes; to repair and improve school buildings and to furnish them with the necessary supplies, fixtures, apparatus, libraries and fuel: and such board of inspectors shall have full power, and it shall be the duty of such board of inspectors to take the entire supervision and control of the schools of such district.

§ 3. The board of school inspectors shall have the power to levy a tax, annually, upon all of the taxable property of such district, in the manner provided by article 8 of the general school law, for the purpose of maintaining free schools, in accordance with the powers conferred by section 2 of this act. All moneys raised by taxation for school purposes, or received from the State common school fund, or any other source, or now held or hereafter collected for school purposes, shall be paid to and held by the township treasurer as a special fund for school purposes, subject to the order of the board of school inspectors, upon warrants signed by the president and secretary thereof, or a majority of said board.

§ 4. The title, care and custody of all school houses and school sites belonging to such districts shall be vested in the trustees of schools of the townships in which such districts are situated: *Provided, however*, that the supervision and control of such school houses and school sites shall be vested in the board of inspectors of such districts.

§ 5. The trustees of schools of townships in which such districts are situated are hereby vested with the power to alter or change the boundaries of such school districts when petitioned as provided for by the general school law.

§ 6. "An act extending the powers of boards of school inspectors elected under special acts," approved June 19, 1893, as amended by an act approved June 11, 1897, and "An act increasing the number of school inspectors elected under special acts from six to seven members," approved March 6, 1895, and all other acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

APPROVED May 12, 1905.



## TEACHERS' CERTIFICATES BY BOARDS OF EDUCATION—REPEALED.

§ 1. Repeals section 29, article 6, act of 1889. | Approved May 12, 1905.

AN ACT to repeal section 29, article 6, of an act entitled, "*An act to establish and maintain a system of free schools,*" approved and in force May 21, 1889.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That section 29, article 6, of an act entitled, "*An act to establish and maintain a system of free schools,*" approved and in force May 21, 1889, be, and the same is hereby, repealed.

APPROVED May 12, 1905.

## TEACHERS' CERTIFICATES BY COUNTY SUPERINTENDENT.

§ 1. Amends section 3, article 7, act of 1889. | Approved May 12, 1905.

§ 3. Two grades of certificates authorized—qualifications requisite—form of certificate.

AN ACT to amend section three (3) of article seven (VII) of an act entitled, "*An act to establish and maintain a system of free schools,*" approved and in force May 21, 1889, as amended by an act approved June 21, 1895, in force July 1, 1895.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section three (3) of article seven (VII) of an act entitled, "*An act to establish and maintain a system of free schools,*" approved and in force May 21, 1889, as amended by an act approved June 21, 1895, in force July 1, 1895, be and the same is hereby amended so as to read as follows:

§ 3. It shall be the duty of the county superintendent to grant certificates to such persons as may, upon due examination, be found qualified. Said certificates shall be of two grades; those of the first grade shall be valid in the county for two years, and shall certify that the person to whom such certificate is given is of good moral character and is qualified to teach orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, civics, the elements of natural sciences, the history of the United States, the history of Illinois, physiology and the laws of health. Certificates of the second grade shall be valid for one year, and shall certify that the person to whom such certificate is given is of good moral character, and is qualified to teach orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, civics, the history of the United States and the history of Illinois: *Provided*, that teachers exclusively teaching music, drawing, penmanship, book-keeping, German, or any other special study, shall not be required to be examined except in reference to such special study, and in such cases it shall not be lawful to employ such teachers to teach any branch of study except such as they have been examined upon and

which shall be stated in the certificates. The county superintendent may, in his option, renew said certificates at their expiration by his endorsement thereon, and may revoke the same at any time for immorality, incompetency or other just cause.

Said certificates may be in the following form, viz:

..... Illinois, ..... A. D.....  
 The undersigned having examined ..... in  
 orthography, reading in English, penmanship, arithmetic, English  
 grammar, modern geography, civics, the history of the United States,  
 the history of Illinois, and methods of teaching, and being satisfied  
 that ..... is of good moral character, hereby  
 certifies that ..... qualifications in the above branches are such  
 as to entitle ..... to this certificate, being of the  
 ..... grade, and valid in said county for ..... year.. from the  
 date hereof, renewable at the option of the county superintendent by  
 his endorsement thereon.

Given under my hand and seal at the date aforesaid.

A. B, *County Superintendent of Schools.*

APPROVED May 12, 1905.

#### TEACHERS' CERTIFICATES BY STATE SUPERINTENDENT.

§ 1. Amends sections 2 and 7, article 7, act  
 of 1889.

§ 2. Issue of State certificates regu-  
 lated—registration, etc.

§ 7. Quarterly examinations by county  
 superintendents required.

Approved May 12, 1905.

AN ACT to amend sections 2 and 7, article 7, of an act entitled, "An act to establish and maintain a system of free schools," approved and in force May 21, 1889.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 2 and 7, article 7, of an act entitled, "An act to establish and maintain a system of free schools," approved and in force May 21, 1889, be, and the same are hereby amended so as to read as follows:

§ 2. It shall be the duty of the Superintendent of Public Instruction to grant State certificates to teachers that may be qualified to receive them. Such certificates shall be valid in every district in this State during the good behavior of the holder thereof. But such certificates shall be granted only upon public examination, under such regulations and by such examiners as the Superintendent of Public Instruction shall prescribe and appoint: *Provided, however,* that each examination shall be complete in itself: *And, provided, further,* that the Superintendent of Public Instruction shall have power to suspend the operation of any State certificate for immorality or other unprofessional conduct. Before entering upon his duties as teacher, the holder of any State certificate shall present the same to the county superintendent for registration. A fee of one dollar shall be charged therefor and covered into the institute fund.

§ 7. It shall be the duty of the county superintendent to hold meetings quarterly, and oftener, if necessary, for the examination of teachers, on such days and in such places in the respective counties as will, in their opinion, accommodate the greatest number of persons desiring such examination. Notice of such meetings shall be published a sufficient length of time in at least one newspaper of general circulation.

APPROVED May 12, 1905.

#### TEACHERS' INSTITUTE FUND.

§ 1. Amends section 9, article 7, act of 1889.

§ 9, article 7. Surplus—how disposed of.

§ 2. Repeal.

§ 3. Emergency.

Approved May 12, 1905.

AN ACT to amend section 9 of article 7 of an act entitled, "An act to establish and maintain a system of free schools," approved and in force May 21, 1889.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 9, of article 7, of "An act to establish and maintain a system of free schools," approved and in force May 21, 1889, be and the same is hereby amended to read as follows:

#### ARTICLE VII.

§ 9. All moneys so received from applicants for teachers' certificates, and from the registration fees hereinafter provided for, the said county superintendent shall transmit monthly to the county treasurer, to be by him held and designated as the institute fund, and with such fund the county superintendent shall give the treasurer a list of the names of the persons paying such fees. Said fund shall be paid out by the county treasurer only upon the order of the county superintendent and only to defray the expenses of the teachers' institute, which the county superintendent is, by the following sections, authorized to hold. The county superintendent shall take vouchers for all payments made out of the institute fund, and he shall render an account of such disbursements, with vouchers for the same, to the county board at their regular meeting in September annually: *Provided*, that when the institute fund in any county contains a sum exceeding the average annual cost of the teachers' institute in that county for the preceding three (3) years, such excess may be drawn upon by the county superintendent of schools for the purpose of defraying the expenses of any general meeting of the teachers of the county.

§ 2. All acts or parts of acts in conflict herewith are hereby repealed.

§ 3. WHEREAS, There are now funds in certain counties that can not be used for any other purpose; and,

WHEREAS, There is a necessity for holding general meetings of the teachers of such counties, therefore an emergency exists, and this act shall take effect and be in force from and after its passage.

APPROVED May 12, 1905.

#### TOWNSHIP HIGH SCHOOLS.

§ 1. Amends section 38, article 3, act of 1891.

Approved April 29, 1905.

§ 38. Township high schools—how established — election — emergency.

*AN ACT to amend section 38 of article 3 of an act entitled, "An act to establish and maintain a system of free schools," approved and in force May 21, 1889, as amended by an act approved June 19, 1891, in force July 1, 1891.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That section 38 of article 3 of an act to establish and maintain a system of free schools, approved and in force May 21, 1889 as amended by an act approved June 19, 1891, and in force July 1, 1891, be and the same is hereby amended to read as follows:

§ 38. Upon petition of not less than fifty voters of any school township, filed with the township treasurer, at least fifteen days preceding the regular election of trustees, it shall be the duty of said treasurer to notify the voters of said township that an election "for" or "against" a township high school will be held at the next regular election of trustees, by posting notices of such election in at least ten of the most public places throughout such township for at least ten days before the day of such regular election, which notices may be in the following form, viz.:

#### HIGH SCHOOL ELECTION.

Notice is hereby given that on Saturday, the.....day of April, A. D.....an election will be held at.....for the purpose of voting "for" or "against" the proposition to establish a township high school for the benefit of township number....., range number.....The polls for said election will be open at.....and close at.....o'clock of said day.

A. B., *Township Treasurer.*

*Provided*, that when any city in this State, having a population of not less than one thousand and not over one hundred thousand inhabitants, lies within two or more townships, then that township in which a majority of the inhabitants of said city reside shall together with said city, constitute a school township under this act for high school purposes. *And, provided, further*, that, whenever any congressional township in any county under township organization shall contain



two political towns the dividing line between which is a navigable stream of water, as recognized by the United States, each of which shall contain a city of not less than [one] thousand nor more than one hundred thousand inhabitants, then and in that case each of the said towns shall constitute a high school township under this act for high school purposes. *And, provided, further,* that where two such political towns, each being a part of one congressional township, the dividing line between which is a navigable stream of water, as recognized by the War Department of the United States, shall have heretofore established a township high school, either of said political towns may file a petition signed by not less than one-tenth of the voters of such political town as shown by the vote of the last general election at any time with the township treasurer of such congressional township for an election to be held in such political town for the purpose of voting "for" or "against" discontinuing the township high school as to such political town. Within ten days after the filing of a petition as aforesaid, it shall be the duty of such township treasurer to post the notices for an election to be held according to the prayer of such petition. And if a majority of the votes cast at such election shall be for discontinuing the township high school as to such political town the same shall be discontinued as to such political town and such political town shall be relieved from further assessment of taxes for the maintenance of said township high school: *Provided,* that no such political town shall be relieved from payment of bonds and interest thereon which may have been issued for payment of school buildings.

WHEREAS, An emergency exists, and this act shall be in force from and after its passage.

APPROVED April 29, 1905.

## STATE BOARD OF HEALTH.

### ANTI-TOXIN—DISTRIBUTION BY STATE.

§ 1. Amends act of 1877 by adding a new section thereto.

Approved May 13, 1905.

§ 20. Distribution and sale of anti-toxin regulated.

AN ACT to amend an act entitled, "*An act to create and establish a board of health in the State of Illinois,*" approved May 28, 1877, in force July 1, 1877, as heretofore amended, by adding thereto one new section, to be numbered section twenty (20).

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That an act entitled, "*An act to create and establish a Board of Health in the State of Illinois,*" ap-

proved May 28, 1877, in force July 1, 1877, as heretofore amended, be and the same is hereby amended by adding thereto one new section, to be numbered section twenty (20), as follows:

§ 20. It shall be the duty of the Board of Health of the State of Illinois to appoint one agent in the county seat of each county in the State who shall have for distribution, as herein provided, diphtheria anti-toxin, certified to by the Board of Health of the State of Illinois, it being the duty of such agents to sell such anti-toxin at a fair and reasonable price to all physicians and others applying for and needing the same, unless the person applying for and needing the same shall be unable to purchase the same, in which case such anti-toxin shall be furnished on an order from the overseer of the poor or supervisor of township, to be paid for by the respective counties in which such order is made: *And, provided, further,* that more than one agent may be appointed in counties where necessary for the convenience of the people, at the discretion of the Board of Health of the State of Illinois: *Providing, further,* that any necessary expense incurred by the Board of Health of the State of Illinois, in the appointment of agents and in supplying such anti-toxin shall be paid from the funds appropriated for the making of investigations and the prevention of the spread of diphtheria and other contagious disease: *Providing, further,* that the Board of Health of the State of Illinois be and is hereby authorized to make such rules and regulations as may be necessary to carry out the provisions of this section.

APPROVED May 13, 1905.

#### EMBALMING—PRACTICE REGULATED.

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| § 1. License required to practice embalming<br>—written application—fee.                      | § 5. Renewal and revocation of licenses.                           |
| § 2. Examinations—notice—publication.   | § 6. Penalty after January 1, 1906.                                |
| § 3. Qualifications required—licenses — how<br>signed—renewals licenses from other<br>states. | § 7. Prosecutions—fines — duties of certain<br>officers.           |
| § 4. Register of licensed embalmers to be<br>kept.  | § 8. Board of Health to make rules for ad-<br>ministration of act. |

Approved May 13, 1905.

AN ACT *providing for the regulation of the embalming and disposal of dead bodies, for a system of examination, registration and licensing of embalmers, and imposing penalties for the violation of any of its provisions.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly.* No person shall embalm, or prepare for transportation, any body dead of a contagious or infectious disease, or embalm any dead body, or hold himself out as practicing the art of embalming, without first applying for and receiving from the State Board of Health a license authorizing him so to do. All applications for licenses shall be made in writing, on blank forms prescribed by the State Board of Health, and shall be accompanied by the examination and license fee of five dollars (\$5), with proof

that the applicant is of good moral character and has attained the age of at least twenty-one (21) years. If the applicant complies with the requirements of the said board, then its secretary shall notify each applicant to appear before the said board for examination.

§ 2. The State Board of Health shall hold examinations for embalmers at least twice yearly. Notices of such examinations shall be published at least twice in at least one journal devoted to the interest of embalming, two daily newspapers and one medical journal, published in the State of Illinois.

§ 3. Each applicant for a license shall be examined in the following subjects: Anatomy; sanitary science; the care, preservation, embalming, transportation and burial of dead bodies, and shall demonstrate his proficiency as an embalmer by operations on a cadaver. If the applicant shall successfully pass the examination, then the State Board of Health shall issue to him a license authorizing him to practice the art of embalming, and to handle and bury bodies dead of a contagious or infectious disease. All licenses shall be signed by the president and secretary of the State Board of Health, and shall expire on the thirty-first (31) day of December following the date of issuance of said license. Licenses may be renewed annually by the State Board of Health within thirty days after the date of expiration, providing the holder of such license shall make proper application to the said board and pay the sum of one dollar (\$1) renewal fee. The State Board of Health shall issue without fee, under the provisions of this act, a license to persons who have already passed an examination for embalmers before this board and have received a certificate as a licensed embalmer. All licenses issued to persons who have passed an examination for embalmers before this board previous to the enactment of this act and who have received a certificate as a licensed embalmer, shall expire on the thirty-first (31) day of December following the date of the issuance of said license. The State Board of Health may renew such licenses within thirty (30) days after the date of expiration, providing the holder of such license shall make proper application and pay the sum of one dollar (\$1) renewal fee. The State Board of Health is empowered to recognize licenses issued to embalmers by authorities of other states having practically equivalent requirements.

§ 4. The State Board of Health shall keep a record in which shall be registered the names and residences of all persons to whom licenses have been issued, with number and date of issuance. A copy of this record shall be furnished to all persons receiving a license, and also to the various transportation companies within the State. On the thirtieth (30th) day of September of each year the State Board of Health shall make a report, showing the fees received and expenses paid under the provisions of this act. And all funds exceeding the sum of one thousand (1,000) dollars in the treasury on said date shall be paid into the State treasury.

§ 5. The State Board of Health may refuse to issue or renew licenses provided for in this act to individuals who have by false and

fraudulent representation obtained or sought to obtain practice in their profession, or by false or fraudulent representation of their profession have obtained or sought to obtain money or anything of value, or for any other unprofessional and dishonorable conduct, or for the wilful violation of the rules of the State Board of Health, and the board may revoke such licenses for any of such or other like causes: *Provided*, that no license shall be revoked until the holder shall be given reasonable notice of the charge against him and an opportunity for a full hearing before said board.

§ 6. After January 1, 1906, any person who shall embalm or prepare for transportation any body dead of a contagious or infectious disease, or embalm any body, or hold himself out as practicing the art of embalming without having obtained a license from the State Board of Health, shall be deemed guilty of a misdemeanor, and upon conviction before any court of competent jurisdiction, shall be sentenced to pay a fine of not less than twenty-five [dollars] (\$25) nor more than two hundred [dollars] (\$200) for each and every offense: *Provided*, that nothing in this act shall be construed as meaning to prevent undertakers or others, who do not practice or pretend to practice the art of embalming, from conducting funerals and burying any dead bodies.

§ 7. Prosecutions for the violation of any of the provisions of this act may be brought by any person in the name of the State of Illinois against any person violating any of the provisions of this act before any court of competent jurisdiction, and it is hereby made the duty of all State's attorneys to see that the provisions of this act are enforced in their respective counties; and it is hereby made the duty of all sheriffs, deputy sheriffs, constables and police officers to inform against and prosecute all persons whom there is reasonable cause to believe are guilty of the violation of any of the provisions of this act. All amounts recovered under the penalties herein provided shall be appropriated to a special fund for the carrying out of the provisions of this act.

§ 8. The State Board of Health is empowered to make such rules, regulations and by-laws from time to time as it may deem necessary to properly carry out the provisions of this act.

APPROVED May 13, 1905.



## STATE CONTRACTS.

## CONTRACTS FOR PRINTING.

§ 1. Amends sections 17, 20 and 21, act of 1899.

§ 17. First class work—type used—printer expert—proof reader.

§ 20. Dispatch of work—proofs in second and fourth class printing—salary of proof reader.

§ 21. Appointment of printer expert—salary—powers and duties.

Approved May 16, 1905.

AN ACT to amend sections 17, 20 and 21 of "An act to revise the law in relation to State contracts," approved March 31, 1874, in force July 1, 1874, as amended by an act approved June 6, 1889, in force July 1, 1889, and an act approved April 21, 1899, in force July 1, 1899.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That sections 17, 20 and 21 of "An act to revise the law in relation to State contracts," approved March 31, 1874, in force July 1, 1874, as amended by an act approved June 6, 1889, in force July 1, 1889, and an act approved April 21, 1899, in force July 1, 1899, be and the same are hereby amended to read as follows:

§ 17. The type used in doing work of the first class shall be small pica, composed in a measure six inches wide, and made up into pages ten and one-half inches long, or so as to contain three thousand ems, as nearly as may be. Between the lines there shall be a space not exceeding a pica slug; but if any matter should properly be set solid, the printer expert may so decide and direct. In computing composition in this class, the type shall be measured as if it had been set solid; and necessary fractions of pages may be counted as full pages, but no blank pages shall be charged for. In estimating presswork in this class, four pages shall be considered a form: *Provided*, that any number of pages fewer than four shall be considered a form when the copy of any job done in this class is not sufficient to make four pages, or shall make one or more full forms and a fractional part of another form. During the session of the General Assembly the printer expert shall appoint a skilled and competent person to read the proof of work in this class, which bill proof-reader shall receive the sum of four dollars per day for actual services, to be paid out of any funds not otherwise appropriated, on the certificate of the printer expert. The contractor shall furnish said proof-reader with suitable office room, and shall also provide, at the contractor's expense, an acceptable copy-holder to assist proof-reader.

§ 20. The contractor for all printing under this act shall execute as promptly as the Commissioners of State Contracts may require, and in a manner acceptable to said commissioners and the printing [printer] expert, all orders for printing issued to him. It shall be incumbent on the contractor for any class of printing to provide such material

and appliances as are considered necessary by the printer expert for the prompt and workmanlike execution of the work, and the best quality of book ink shall be used in the presswork. The contractor for work in the second and fourth classes shall read and correct the first proof of all work done by him, and see that the same is reasonably free from errors, properly made up, uniform in style, punctuation and capitalization, and conformable to copy furnished. A second proof shall then be sent to the printer expert, who shall read the same in connection with an assistant appointed by the Governor for that purpose, and whose salary shall be fixed at the sum of eighteen hundred dollars (\$1800) per year, payable monthly, upon bills to be certified by the Commissioners of State Contracts and paid out of any money not otherwise appropriated. If additions or changes from copy be made in the second proof, the printer expert shall designate the same and the contractor shall promptly correct such proof and return it to the printer expert with a revise if required; and for making such changes the contractor shall be allowed such sum (to be estimated at 40 cents per hour) as the printer expert may certify to the Commissioners of State Contracts is equitable. If any job is rejected on account of error attributable to the contractor, he shall promptly reprint the job without additional charge.

§ 21. The Governor shall appoint a practical printer, who has had experience in estimating book and job work and who has worked at his trade at least six years, to prepare the specifications upon which bids for public printing shall be made, to read proof, to measure the work, to estimate the amount of paper required for each job and to examine the accounts according to the provisions of this act. Such practical printer shall be under the supervision of the Secretary of State, in his office; but in measuring and estimating the price of work and examining accounts, the printer expert shall not be subject to the orders of the secretary. Any conflict of opinion between the secretary and the printer expert, above provided for, on the construction of this act, or in reference to other matters relating to the contracts for printing, shall be referred to the Commissioners of State Contracts and be decided by them. The said printer expert, before entering upon the discharge of his duties, shall take and subscribe to an oath that he will faithfully and honestly perform the duties imposed upon him, which oath shall be filed in the office of the Secretary of State. He shall receive for his services a salary of twenty-five hundred dollars (\$2,500) a year, payable monthly, upon bills to be certified by the Commissioners of State Contracts, and paid out of any money not otherwise appropriated, and shall be subject to removal at the pleasure of the Governor: *Provided*, that the commissioners shall not be bound by the action, opinion or measurement of said printer expert, but may inquire of and take the evidence of other experts upon all matters connected with said printing, but in no case shall they raise the estimate.

APPROVED May 16, 1905.

## PRINTING AND BINDING.

§ 1. Where printing and binding may be done.

§ 2. Repeal.

Approved May 16, 1905.

*AN ACT in relation to State Contracts.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That hereafter the Commissioners of State Contracts may let the contracts for public printing and binding in such items and for such terms, not to exceed two years, as said commissioners may elect, upon a like advertisement and bidding as is now provided by law, and such contracts may be performed either at the State capital or elsewhere in the State, except as to such portions of the work as the Commissioners of State Contracts shall determine must, for the convenience of the public service, be performed at the State capital, and the advertisement for bids shall, in every case, indicate whether the work will be required to be performed at the State capital or may be performed elsewhere. And contracts may be let from time to time by the said Commissioners of State Contracts for such portions of the public printing and binding, and in such quantities, as shall be determined by them to be for the best interests of the State.

§ 2. All acts and parts of acts in conflict herewith are hereby repealed.

APPROVED May 16, 1905.

## STATE FOOD COMMISSIONER.

## SALE OF CONCENTRATED FEEDS.

§ 1. Commercial feed stuffs must be labeled

§ 8. Licenses provided for.

§ 2. Commercial feed stuff defined.

§ 9. Exceptions.

§ 3. Further definitions.

§ 10. Importer defined.

§ 4. Violations of act—penalty.

§ 11. Collection of fine and costs.

§ 5. State Food Commissioner—his powers and duties—obstructing work—penalty

§ 12. Repeal.

§ 6. Adulterations—penalty.

Approved May 18, 1905

§ 7. Prosecutions by food commissioner.

*AN ACT to regulate the sale and analysis of concentrated feeding stuffs.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in [the] General Assembly:* Every lot or parcel of concentrated commercial feed stuffs, as defined in section two of this act, used for feeding farm live stock, sold, or offered or exposed for sale within this State, shall have affixed thereto, in a conspicuous place on the outside thereof, a plainly printed statement, clearly and

truly certifying the name, brand or trade-mark, under which the article is sold for feeding purposes, the name and address of the manufacturer, importer or dealer, the net weight of the package, and the minimum percentage of crude protein, reckoning one per cent of nitrogen equal to six and one-fourth per cent of protein, crude fiber, and crude fat which it contains; the several constituents to be determined by the methods adopted by the Association of Official Agricultural Chemists of the United States. If the feed stuff is sold in bulk, or if it is put up in packages belonging to the purchaser, the agent or the dealer shall, upon the request of the purchaser, furnish him with the certified statement described in this section.

§ 2. The term "concentrated commercial feed stuff," as used in this act, shall include cotton seed meals, linseed meals, pea meals, bean meals, peanut meals, cocoanut meals, gluten meals, gluten feeds, maize feeds, starch feeds, sugar feeds, succrene feeds, and all oil meals of all kinds, dried distillers' grains, dried brewers' grains, dried beef refuse, malt sprouts, malt refuse, hominy feeds, cereleine feeds, rice meals, oat feeds, corn and oat feeds, corn, oat and barley feeds, chop feeds, corn bran, ground beef or fish, scraps, meat and bone meals, mixed feeds—except as otherwise provided in section three of this act—clover and alfalfa meals, condimental stock and poultry foods, patented, proprietary or trade-marked stock and poultry foods, and all other materials of a similar nature not included in section three of this act.

§ 3. The term "concentrated commercial feed stuffs," as used in this act, shall not include hays and straws, the whole seeds nor the unmixed meals made directly from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat and broom corn. Neither shall it include wheat bran or wheat middlings not mixed with other substances but sold separately as distinct articles of commerce, nor wheat bran and wheat middlings mixed together, not mixed with any other substances, and known in the trade as "mixed feed," nor pure grains ground together unmixed with other substances.

§ 4. Any manufacturer, importer, agent or other person selling, offering or exposing for sale any concentrated feed stuffs included in section two of this act, without the printed statement required by section one of this act, or with a label stating that the said feed stuffs contains substantially a larger percentage of either crude protein or crude fat than is actually present therein, shall be fined fifty dollars (\$50) for the first offense and one hundred dollars (\$100) for each subsequent offense.

§ 5. The State Food Commissioner is hereby authorized, in person or by deputy, to enter any premises where feed stuffs are stored and to take a sample, not exceeding two pounds in weight, from any lot or package of any commercial feed stuff used for feeding any kind of farm live stock or poultry as defined in section two, or of excepted materials named in section three of this act, which may be in possession of any manufacturer, importer, agent or dealer. Any sample so taken shall be put in a suitable vessel and a label signed by the State Food Commissioner or his deputy, placed on or within the vessel,



stating the name or brand of the feed stuff or material sampled, the guaranty, the name of the manufacturer, importer or dealer, the name of the person, firm or corporation from whose stock the sample was taken, and the date and place of taking: *Provided, however,* that whenever a request to that effect is made the sample shall be taken in duplicate and carefully sealed in the presence of the person or persons in interest, or their representative, in which case one of the said duplicate samples shall be signed and retained by the person or persons whose stock was sampled. Any person who shall obstruct the State Food Commissioner or his deputy while in the discharge of his duty under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) for each offense. The aforesaid State Food Commissioner shall cause at least one analysis of each feed stuff collected as herein provided to be made annually. Said analysis shall include the determinations of crude protein, of crude fat, of crude fibre, and of such other ingredients as it is deemed advisable at any time to determine. Said State Food Commissioner shall cause the results of the analysis of the sample to be furnished the agricultural experiment station from time to time, to be published in annual bulletins or special circulars, together with such additional information concerning the character, composition and use thereof as circumstances may require.

§ 6. Any person who shall adulterate any whole or ground grain with milling or manufacturing offals, or with any foreign substance whatever, or adulterate any bran or middlings or mixtures of wheat bran or wheat middlings known in the trade as "mixed feed," or any other standard by-product made from the several grains or seeds with any foreign substance whatever, for the purpose of sale, unless the true composition, mixture or adulteration thereof is plainly marked or indicated upon the package containing the same or in which it is offered for sale; and any person who knowingly sells or offers for sale any whole or ground grain, bran or middlings, or mixture of wheat bran and wheat middlings known in the trade as "mixed feed," or other standard by-product, which has been so adulterated, unless the true composition, mixture or adulteration is plainly marked or indicated upon the package [containing] the same or in which it is offered for sale, shall on conviction, be fined not less than twenty-five dollars (\$25) or more than one hundred dollars (\$100) for each offense, and such fines shall be paid into the treasury of the State.

§ 7. It shall be the duty of the State Food Commissioner to prosecute the person or persons violating any provisions of this act, and for this purpose the State Food Commissioner may, if necessary, employ experts, and may further designate some person connected with his office, or some other suitable person, to make complaints in his behalf; and in making complaints for violations of this act, the persons so designated shall not be required to enter into any recognizance or to give security for the payment of costs: *Provided, however,* that there shall be no prosecution in relation to the quality of

any unadulterated commercial feed stuff if the same shall be found to be substantially equivalent to the statement of analysis made by the manufacturers or importers.

§ 8. Each manufacturer, importer, agent or seller of any concentrated commercial feeding stuffs, shall pay annually, during the month of December, to the Treasurer of the State of Illinois, a license fee of twenty-five dollars (\$25) for each and every brand sold or offered for sale. Whenever a manufacturer, importer, agent or seller of concentrated commercial feeding stuffs desires at any time to sell such material and has not paid the license fee therefor in the preceding month of December, as required by this section, he shall pay the license fee prescribed herein before making any such sale. Said treasurer shall, in each case, at once certify to the State Food Commissioner the payment of such license fee. Each manufacturer, importer or person who has complied with the provisions of this article shall be entitled to receive a certificate from the State Food Commissioner, setting forth said facts. The license fees received by the State Treasurer pursuant to the provisions of this section shall constitute a special fund from which to defray the expenses incurred in making the inspections and the analyses required by this act, and enforcing the provisions thereof, and he shall report annually the amount received and the expense incurred for salaries, laboratory expenses, chemical supplies, traveling expenses, printing and other necessary matters. Whenever the manufacturer, importer or shipper of concentrated commercial feeding stuffs shall have filed the statement required by section one of this act, and paid the license fee, as prescribed in this section, no agent or seller of such manufacturer, importer or shipper, shall be required to file such statement or pay such fee.

§ 9. This act shall not affect persons manufacturing, importing or purchasing feed stuffs for their own use and not to sell in this State.

§ 10. The term "importer," for all the purposes of this act, shall be taken to include all who procure or sell concentrated commercial feed stuffs.

§ 11. When the rendition of the judgment imposes a fine, as provided in any of the sections of this act, it shall be the duty of the justice of the peace or other court rendering such judgment, also to render a judgment for costs, and such justice of the peace or other court shall forthwith issue a capias or warrant of commitment against the body of the defendant, commanding that unless the said fine and costs be forthwith paid, the defendant shall be committed to the jail of the county, and the constable or other officer to whose hands said capias or warrant shall come, shall, in default of such payment, arrest the defendant and commit him to the jail of the county, there to remain, as provided by section 171 of "An act to revise the law in relation to criminal jurisprudence," in force July 1, 1895, unless such fine and costs shall sooner be paid.

§ 12. All acts and parts of acts inconsistent with this act be and they are hereby repealed.

APPROVED May 18, 1905.

## TOWNSHIP ORGANIZATION.

### PURCHASE OR LEASE OF TOWN HALL.

§ 1. Request of electors—notice by town clerk. | Approved May 13, 1905.

### *AN ACT in relation to town halls.*

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* That whenever it is desired to build, purchase or lease, for a longer period than five years, a town hall, in any town in counties under township organization in this State, at least twenty-five electors of such town shall, before the time of giving notice of the annual town meeting, file with the town clerk a request in writing that notice be given that the question of building, purchasing or leasing of a town hall, as the case may be, will be brought up in such town meeting, and in such case it shall be the duty of the town clerk to include a notice of such request in the notice for such annual town meeting.

APPROVED May 13, 1905.

### TOWNSHIPS WITHIN CITY LIMITS.

§ 1. Amends sections 1, 2, and 5, act of 1901.

§ 1. Township officers in cities of fifty thousand population.

§ 2. County officers *ex officio* town officers.

§ 5. County clerks and treasurers not to maintain separate town offices.

Approved May 16, 1905.

*AN ACT to amend sections 1, 2 and 5 of an act entitled, "An act concerning townships lying wholly within cities of more than 50,000 population," approved and in force May 11, 1901.*

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That sections 1, 2 and 5 of an act entitled "An act concerning townships lying wholly within cities of more than 50,000 population," approved and in force May 11, 1901, be and the same hereby are amended so as to read as follows:

§ 1. That in all townships lying wholly within any city of more than 50,000 population all the powers vested in such townships shall be exercised by the county board of the county in which such townships respectively are located, including all the powers vested in the town meetings and the board of auditors of such townships.

§ 2. The county clerk of such county in which such townships respectively lie shall be *ex officio* town clerk and township assessor of each of such townships, and the treasurer of the county shall be *ex officio* collector and supervisor of each of such townships; but such officers shall not be required to give any additional bond on account.

of holding such township offices, but they shall be liable on their official bonds for their acts as township officers in the same manner and to the same extent as if such bonds had been given as such township officers.

§ 5. County clerks and county treasurers who become *ex officio* township officers under the provisions of this act shall not maintain any other or different public office as such township officers than those provided and maintained for them as such county clerk and county treasurer.

APPROVED May 16, 1905.



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JOINT RESOLUTIONS.

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## ADJOURNMENT JANUARY 5 TO JANUARY 9.

*Resolved, by the Senate, the House of Representatives concurring herein, That when the two Houses adjourn on Thursday, January 5, 1905, they stand adjourned until Monday, January 9, 1905, at 11:00 o'clock a. m.*

Adopted by the Senate, January 5, 1905.

Concurred in by the House, January 5, 1905.

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## ADJOURNMENT, JANUARY 11 TO JANUARY 17.

*Resolved, by the Senate, the House of Representatives concurring herein, That when the two Houses adjourn on Wednesday, January 11, 1905, they stand adjourned until Tuesday, January 17, 1905, at 10:00 o'clock a. m.*

Adopted by the Senate, January 11, 1905.

Concurred in by the House, January 11, 1905.

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## ADJOURNMENT, FEBRUARY 10 TO FEBRUARY 14.

WHEREAS, Monday, February 13, is to be legally observed as the anniversary of the birth of Abraham Lincoln, the martyred President of the United States; and,

WHEREAS, That day should be observed by the Legislature of this State; therefore, be it

*Resolved, by the Senate, the House of Representatives concurring herein, That when the two Houses adjourn on Friday, February 10, 1905, they stand adjourned until Tuesday, February 14, 1905, at 10:00 o'clock a. m.*

Adopted by the Senate, February 9, 1905.

Concurred in by the House, February 9, 1905.

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## ADJOURNMENT, MARCH 31 TO APRIL 5.

*Resolved, by the Senate, the House of Representatives concurring herein, That when the two Houses adjourn on Friday, March 31, 1905, they stand adjourned until Wednesday, April 5, 1905, at 10:00 o'clock a. m.*

Adopted by the Senate, March 29, 1905.

Concurred in by the House, March 29, 1905.

## ADJOURNMENT, SINE DIE.

*Resolved, by the House of Representatives, the Senate concurring therein, That when the two Houses adjourn on Saturday, May 6, A. D. 1905, they stand adjourned sine die.*

Adopted by the House, May 5, 1905.

Concurred in by the Senate, May 6, 1905.

## ARRANGEMENTS FOR THE INAUGURATION OF STATE OFFICERS.

*Resolved, by the Senate, the House of Representatives concurring herein, That a joint committee be appointed, consisting of three members of the House of Representatives, to be appointed by the Speaker, and three members of the Senate, to be appointed by the President of the Senate, to have charge of and make all necessary arrangements for the inauguration of the Governor and other State officers, on Monday, January 9, next; and that all necessary expense of the same be paid by vouchers signed by the Secretary of State when approved by said joint committee.*

Adopted by the Senate, January 4, 1905.

Concurred in by the House, January 4, 1905.

## CANVASS OF ELECTION RETURNS.

*Resolved, by the House of Representatives, the Senate concurring herein, That the two Houses meet in joint session in the hall of the House of Representatives on Thursday, the 5th day of January, A. D. 1905, at the hour of 10:30 o'clock a. m., for the purpose of canvassing the returns of the election of State officers held on the 8th day of November, A. D. 1904, as required by the constitution of this State.*

Adopted by the House, January 5, 1905.

Concurred in by the Senate, January 5, 1905.

## CIVIL WAR RECORDS—2D REGIMENT LIGHT ARTILLERY.

WHEREAS, It is claimed by the surviving members of Battery "A" of the 2d Regiment, Illinois Light Artillery, that the records regarding the said regiment and battery, and its campaigns during the civil war, on file in the office of the Adjutant General of the State of Illinois, are incomplete and in many cases incorrect; and

WHEREAS, Justice demands that the records pertaining to the military history of Illinois troops in the war of the nation should be absolutely correct, reliable and complete; therefore, be it

*Resolved, by the Senate, the House of Representatives concurring therein, That the Adjutant General of the State of Illinois is hereby authorized and empowered to confer with the surviving members of Battery "A" of the 2d Regiment Illinois Light Artillery, to examine and obtain extracts from the War Department relative to their campaigns and expeditions during the civil war and to correct and amend the records of his office in accordance with the facts ascertained by him, and to which the said regiment and battery may be justly and legally entitled.*

Passed by the Senate, May 6, 1905.

Concurred in by the House, May 6, 1905.

## DRAINAGE—SENATE BILL NO. 416.

WHEREAS, Senate Bill No. 416 went to the Governor with some defects in the enacting clause of the bill; therefore,

*Resolved, by the Senate, the House of Representatives concurring herein.* That the Governor is respectfully requested to return to the General Assembly unsigned, for the purpose of correction, said Senate Bill 416.

Adopted by the Senate, May 5, 1905.

Concurred in by the House, May 5, 1905.

## ILLINOIS AND MICHIGAN CANAL—SALE OF PORTION.

*Resolved by the House of Representatives of the State of Illinois, the Senate concurring therein.* That there shall be submitted to the electors of the State at the next general election held after the adjournment of this General Assembly the following proposition, to-wit:

“Shall that part and portion of the Illinois and Michigan canal and the ninety (90) foot strip on each side thereof which lie northerly from the point where the northerly line of the present channel of the sanitary district of Chicago in the City of Joliet, Will county, Illinois, in sections number three (3) and four (4) in township number thirty-five (35) range number ten (10) east of the third (3) principal meridian, crosses or intersects the said canal and ninety (90) foot strip, together with all property, lands, lots, laterals, feeders, locks and gates which are a part of said portion of said canal be sold at public venue to the highest and best bidder for cash after giving at least ninety (90) days previous notice of such proposed sale by publication in at least one newspaper of general circulation published daily in each of the cities of Chicago and Joliet, as an entirety or in such parcels as the Governor and Canal Commissioners shall determine to be for the best interests of the State, with power to the Canal Commissioners to reserve the right to reject any and all bids and in case bids on any part thereof are rejected to re-advertise and sell the same, and also to execute the necessary deed or deeds to convey the title of the respective parcels sold to the purchaser or purchasers thereof.”

Adopted by the House, May 6, 1905.

Concurred in by the Senate, May 6, 1905.

## INAUGURATION OF STATE OFFICERS.

*Resolved, by the House of Representatives, the Senate concurring herein.* That the two Houses meet in joint session, in the House of Representatives, on Monday, the ninth day of January, A. D., 1905, at 12:00 o'clock m., for the purpose of witnessing the inauguration of Governor, Lieutenant Governor, and the other State officers elect of the State of Illinois.

Adopted by the House, Jan. 9, 1905.

Concurred in by the Senate, Jan. 9, 1905.

## INDUSTRIAL INSURANCE.

WHEREAS The limited time at the disposal of the present session of the General Assembly is insufficient to take up, much less carefully and fully consider, the important subject of industrial insurance including pensions for aged [aged] workers protective measures in the interest of workmen, which in other countries have proved of great value and benefit: and.

WHEREAS, Men [even] in the most favored countries the margin between work and want is an exceedingly narrow one, besides there can be no apprehension more keen or pitiless than the constant clinging dread shared equally by all wealth producers that misfortune in the form of sickness, the liability to become incapacitated through accident or by time's inevitable advance accompanied by waning strength, there will be lacking the means necessary for ordinary maintenance. This most melancholy fact, of which all are conscious, poisons the present and fills the future with tears [fears]. The so-called civilized industrialism of our day can be subject to no stronger criticism than the charge fortified by universal experience, that the men and women whose productive energy have contributed so much to our wealth, progress and development, leading simple, unexpensive lives become in their declining years powerless, principally because they are penniless; and,

WHEREAS, It ought to be the duty of the law-making power of the State to prevent so far as legislative aid and encouragement can modify this deplorable state of affairs; therefore, be it

*Resolved, by the House of Representatives, the Senate concurring herein,* That the Governor is hereby authorized and requested to appoint a commission consisting of five representative men who shall serve without remuneration and whose duties shall be to thoroughly investigate and report to the Governor the draft of a bill providing a plan for industrial insurance and workmen's old age pensions for consideration and action by the members of the 45th General Assembly.

Adopted by the House, May 2, 1905.

Concurred in by the Senate, May 4, 1905.

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#### JOURNAL OF FIRST CONSTITUTIONAL CONVENTION, 1818.

(House Joint Resolution.)

WHEREAS, Capt. J. W. Kitchell of Pana, Ill., being the possessor, so far as known, of the only original printed copy of the journal of the Territorial Convention held at Kaskaskia in 1818; and,

WHEREAS, Captain Kitchell, through Senator George D. Chafee and Representative Walter M. Provine, has kindly presented said copy to the State of Illinois to be kept in the records of the Secretary of State; therefore, be it

*Resolved, by the House of Representatives, the Senate concurring therein,* That the General Assembly, in behalf of the State, extend to Captain Kitchell thanks for the valuable present. Be it

*Resolved, further,* That the Secretary of State be directed to receive and safely keep said journal, and that the Secretary of State be directed to cause to be prepared a copy of this preamble and resolution and present the same to Captain Kitchell.

Adopted by the House, March 16, 1905.

Concurred in by the Senate, March 23, 1905.

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#### JOURNAL OF FIRST CONSTITUTIONAL CONVENTION, 1818.

(Senate Joint Resolution.)

WHEREAS, Capt. J. W. Kitchell of Pana, Ill., being the possessor, so far as known, of the only original printed copy of the journal of the Territorial Convention held at Kaskaskia in 1818; and,

WHEREAS, Captain Kitchell, through Senator George D. Chafee and Representative Walter M. Provine, has kindly presented said copy to the State of Illinois, to be kept in the records of the Secretary of State; therefore, be it

*Resolved, by the Senate, the House of Representatives concurring herein,* That the General Assembly, in behalf of the State, extend to Captain Kitchell thanks for the valuable present; be it



*Resolved further*, That the Secretary of State be directed to receive and safely keep said journal and that the Secretary of State be directed to cause to be prepared a copy of this preamble and resolution and present the same to Captain Kitchell.

Adopted by the Senate, March 16, 1905.

Concurred in by the House, May 3, 1905.

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#### KASKASKIA, WABASH AND SANGAMON RIVER IMPROVEMENT.

WHEREAS, There is a large amount of overflowed and waste land in its present condition along the Kaskaskia, Embarrass, Little Wabash and Sangamon rivers and their tributaries in the southern part of the State of Illinois, which, by combined and judicious management might be redeemed from overflow and become the most fertile and productive part of the State, and made more sanitary; and,

WHEREAS, The citizens along these several streams are desirous of procuring such legislation as will enable the owners of the lands adjacent to these rivers to improve the same; and,

WHEREAS, Unless these improvements are made from the outlet to their heads the improvements cannot be successfully and judiciously made anywhere between the head and mouth of such streams; now therefore, be it

*Resolved, by the Senate, the House of Representatives concurring herein*, That any two or more counties, or any two or more cities, interested in the improvement of these streams, be requested to organize in their respective counties, and upon these respective streams, and appoint such committees as may be deemed advisable in the premises, to make an investigation of the situation along these respective streams, and make an estimate of what improvements could be judiciously made, and where required to be made, and the probable expense of making the same, and tabulate their respective work in such particulars, and prepare a statement to be submitted to the next General Assembly, respecting the proposed improvements, and what legislation, in their judgment, is necessary to bring about the desired result; that such committees be authorized to make these respective investigations at their own expense and submit the same to the next legislature through their respective representatives and senators; and be it further,

*Resolved*, That the General Assembly recommend that the respective boards of supervisors of the several counties interested, in this work, make reasonable appropriations to pay the expenses of these various committees.

Adopted by the Senate, March 30, 1905.

Concurred in by the House, May 3, 1905.

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#### LEWIS AND CLARK EXPOSITION, PORTLAND OREGON.

WHEREAS, The Illinois State Commission to the Lewis and Clark Centennial and American Pacific Exposition and Oriental Fair to be held in Portland, Oregon during the present year has decided to reproduce a fac-simile of the Lincoln Home at said Exposition and has requested of the Board in charge of the Illinois State Historical Library the loan of certain articles, pictures, relics and documents now in possession of said Board; and,

WHEREAS, It seems desirable that the request be granted; therefore,

*Resolved by the Senate, the House of Representatives concurring therein*, that the board in charge of the Illinois State Historical Library be and are hereby authorized to loan to the Illinois State Commission to the Lewis and Clark Centennial and American Pacific Exposition and Oriental Fair for the exhibit at said Exposition, such historical relics, documents, etc., under their control as

said commission may deem necessary for said exhibit, provided that said commission shall return at the conclusion of said Exposition, to the custody of the Illinois State Historical Library Board all such articles, relics, documents, etc., in as good condition as when taken away and without expense to said Board.

*Resolved*, that such additional historical matter collected by the Illinois commission for making said exhibit, shall, at the close of the Exposition, be the property of the State and shall be placed in the Illinois Historical Library at Springfield, Illinois.

Adopted by the Senate, April 26, 1905.

Concurred in by the House, May 2, 1905.

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#### LINCOLN MONUMENT AT WASHINGTON, D. C.

WHEREAS, Abraham Lincoln, illustrious son of Illinois and sixteenth president of the United States, stands pre-eminent among the great men of the world's history, born in obscurity, bearing the burden of poverty, with no opportunities except those of his own making, he rose to the most exalted heights. His life, from rail splitter to president, splendidly exemplified the possibilities of American citizenship. His gentle, generous nature, his unpretentious honesty, his over-mastering sense of justice, are parts of a character that constitute one of the finest legacies of mankind. He led his country through its darkest hour; he lived to see the union "one and inseparable," and today the south vies with the north in reverence to his memory. He died a martyr to the cause of human liberty, leaving a name that must be forever an unfailing star of hope to the oppressed of every land;

WHEREAS, It is the custom of all nations to honor their distinguished dead by appropriate and enduring moments; and,

WHEREAS, The capital of this nation possesses no memorial to this most illustrious man; therefore, be it

*Resolved, by the Senate, the House of Representatives concurring herein*, That this General Assembly favors the erection by the government of the United States, at Washington, D. C., of a monument to Abraham Lincoln—one that shall be commensurate with the grandeur of the man—one that shall rank among the great monuments of the world, standing as long as this government shall endure as a memorial in honor of the man who gave his life that "government of the people, by the people, for the people, might not perish from the earth."

*Resolved, further*, that for this purpose we hereby instruct our senators and request our representatives in congress to use all honorable means to secure an appropriation by the Congress of the United States of three million dollars.

Adopted by the Senate April 26, 1905.

Concurred in by the House April 27, 1905.

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#### MISSISSIPPI RIVER IMPROVEMENT.

WHEREAS, The permanent improvement of the upper Mississippi river, between St. Louis, Missouri and St. Paul, Minnesota, by maintaining a channel of six feet in depth at low water will be in the interest of commerce and for the benefit of all the people of the five states contiguous.

*Resolved, by the Senate, the House of Representatives concurring*, That we request the Senators and Representatives in Congress from the State of Illinois to approve of and support the request and petition of the Upper Mississippi River Improvement Association now pending before Congress, for the improvement.

Adopted by the Senate, January 19, 1905.

Concurred in by the House, January 20, 1905.

## MISSISSIPPI RIVER IMPROVEMENT.

WHEREAS, The improvement of the Mississippi river is of great importance to the State of Illinois, as well as other states bordering on its shores and our country at large; and.

1. WHEREAS, The making of a deep water channel would materially improve the navigation of such river; and.

2. WHEREAS, At various points along said river, there are places where it is necessary to make such deep channels, or build channels, in order to carry on navigation at certain times of the year and certain stages of the water, in order to successfully pass the rapids in said river at certain points within the territory of Illinois and Iowa; and.

3. WHEREAS, There is at this time great need of the betterment of the navigation of the Des Moines rapids which are in the Mississippi river from Hamilton, Illinois, and Keokuk, Iowa, north to Fort Madison, Iowa, and Niota, Illinois; and.

4. WHEREAS, There is now pending before Congress a bill in relation to the erection of a dam across the Mississippi river at or near the foot of the Des Moines rapids and the building of a proper lock to facilitate the proper navigation of such river under the supervision and direction of the United States Government, which measure is now pending before the committee on inter-state and foreign commerce, for examination and discussion; and.

5. WHEREAS, The accomplishment of a deep water channel at such point would materially aid in the navigation of such river and thereby benefit all the citizens of this country and especially the citizens of the states bordering on such river.

THEREFORE, In view of the general utility and great importance of such a measure to Illinois and other adjoining states, as well as our country at large; be it

*Resolved, by the Senate of the State of Illinois, the House of Representatives concurring.* That we approve of all measures to promote the improvement of the Mississippi river and the navigation of the same, and to that end, commend to the favorable consideration of Congress, the measure under consideration and now before its committee on inter-state and foreign commerce.

*Resolved.* That a copy of this resolution be sent by the Secretary of State to the senators and members of Congress from Illinois, and also a copy be furnished to the members of the committee on inter-state and foreign commerce.

Adopted by the Senate, January 17, 1905.

Concurred in by the House, January 17, 1905.

## SPRINGFIELD &amp; NORTHEASTERN RAILROAD CO.—RIGHT OF WAY GRANTED.

WHEREAS, The Springfield & Northeastern Railroad Co. (a corporation duly organized under the laws of the State of Illinois) is building and constructing a line of interurban railroad from Springfield, Ill., to Bloomington, Ill., having already surveyed, located and graded most of the right of way between Springfield and Lincoln, Ill.; and.

WHEREAS, Said railroad has surveyed and located passes through a portion of what is known as the farm or lands of the Illinois Asylum for the Feeble Minded Children located at Lincoln, Ill.; and.

WHEREAS, It is necessary for the right of way and public road purposes for said railroad company to have and hold a two and seventeen hundredths (2-17 100) acres of said farm; and.

WHEREAS, The trustees of said Illinois Asylum for Feeble Minded Children have no power to sell and convey said lands unless they have the consent of the Legislature of the State of Illinois; therefore, be it

*Resolved, by the House of Representatives, the Senate concurring therein.* That the trustees of the said Illinois Asylum for the Feeble Minded Children are

hereby authorized to sell and convey to said Springfield & Northeastern Railroad Co. said two and seventeenth hundredths (2-17 100) acres of land upon the terms that they deem just and equitable.

Adopted by the House, March 8, 1905.

Concurred in by the Senate, March 22, 1905.

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UNION COUNTY TRACTION CO.—RIGHT OF WAY GRANTED.

*Resolved, by the Senate of the State of Illinois, the House of Representatives concurring therein.* That permission and authority are hereby granted to the Union County Traction and Power company, for itself, its successors and assigns, to enter upon and construct, maintain and operate in, along, upon and across the northwest quarter, and the east half of the southwest quarter, and a part of the west half of the southeast quarter, all in section 17, and township 12, south of range 1 west of the third principal meridian, in the County of Union, and State of Illinois, now owned by the State of Illinois and occupied by the Southern Illinois Hospital for the Insane, a single track standard guage railway with necessary side tracks, switches and turnouts, the said railway to enter the hospital grounds at a point opposite the southeast corner of said hospital grounds where the present hospital fence joins the west line of the public highway: thence in a northerly direction inside of the fence, following the present line of the hospital fence for a distance of approximately 1,600 feet, the general course of said line of railway from the point where the hospital fence joins the public highway is north 26 degrees east 175 feet: thence north 4 degrees west 910 feet: thence north 8 degrees west 255 feet: thence north 11 degrees 30 minutes west 230 feet: thence due north 147 feet: thence north 50 degrees west 30 feet: at which point the hospital fence and public highway turns sharply to the northeast, and the line of the railway will continue its course crossing the property of the hospital in a course north 3 degrees west 675 feet: thence north 22 degrees 45 minutes west 588 feet: thence north 89 degrees west a distance of 300 feet, at which point the line will make a circular loop around the abandoned reservoir of the hospital. On the northeast corner of this loop a branch line will be run passing along the site of the boiler house: thence along the ice plant: thence along the corners of the main ward buildings to a point opposite the second boiler house, as at present located. The line through the grounds will follow the general course of the roadway passing approximately 9 feet from the present boiler house, 19 feet from the kitchen, 29 feet from the ice plant, and 22 feet from the ward buildings, then following the general course of the roadway but located approximately 40 feet to the side of the roadway, and will extend to the second boiler house, passing approximately 30 feet from the corner of the ward buildings and outside of the present roadway. Said railway shall extend from and connect with the railway to be constructed by said Union County Traction and Power company, in, upon and along the public highway abutting upon said premises and known as the Limekiln road, and shall extend thence through and across said premises in accordance with the foregoing description, and shall be located and constructed under the supervision and with the approval of the trustees of said Southern Illinois Hospital for the Insane: be it further

*Resolved,* That said railway may be operated by electricity or other motive power, except steam, and that power and authority are hereby granted and conferred upon the trustees of said Southern Illinois Hospital for the Insane to regulate the operation of said railway and the speed of cars and trains over and upon the same while in or upon said premises, and that the rights and privileges hereby granted shall continue and remain in full force and effect for a period of twenty years from the passage of this resolution:

*Provided, however,* that unless the railway hereby authorized shall be completed and in operation within two years from the date and passage of this resolution; all rights hereby granted shall cease and determine.

Adopted by the Senate, March 29, 1905.

Concurred in by the House, May 3, 1905.



## WATSEKA AND KANKAKEE TRACTION RAILWAY CO.—RIGHT-OF-WAY GRANTED.

WHEREAS, The Watseka & Kankakee Traction Railway Co., (a corporation duly organized under the law of the State of Illinois) is building and constructing a line of inter-urban railroad from Watseka, Illinois to Kankakee, Illinois, having already surveyed and located and acquired most of the right-of-way between Watseka and Kankakee, Illinois; and,

WHEREAS, Said line of railway as surveyed and located borders upon and traverses over a portion of the lands of the Eastern Illinois Hospital for the Insane, located at Kankakee, Illinois, and,

WHEREAS, It is necessary for the right of way and road purposes of said railway company to have and use and hold a certain portion of said lands described as follows: A strip of land 25 feet wide off of the south side of the north half of the southwest quarter, north of the public road running east and west on the quarter section line; also a strip of land 25 feet wide off of the west side of the northwest quarter and the north half of the southwest quarter, lying east of the public highway located on said line, all of said land is located in section 8, township 30 north, range 13 west of the second principal meridian in Kankakee county in the State of Illinois; and,

WHEREAS, The trustees of said Eastern Illinois Hospital for the Insane have no power to sell and convey said lands unless they have the consent of the Legislature of the State of Illinois; therefore, be it

*Resolved, by the House of Representatives, the Senate concurring therein.* That the trustees for the Eastern Illinois Hospital for the Insane are hereby authorized to sell and convey to the Watseka and Kankakee Railway Company the lands above described upon terms that they may deem just and equitable.

Adopted by the House, April 11, 1905.

Concurred in by the Senate, May 5, 1905.

UNITED STATES OF AMERICA, }  
STATE OF ILLINOIS. } ss.

## OFFICE OF THE SECRETARY OF STATE.

I, JAMES A. ROSE, Secretary of State of the State of Illinois, do hereby certify that the foregoing Acts and Joint Resolutions of the Forty-fourth General Assembly of the State of Illinois, passed and adopted at the regular session thereof, are true and correct copies of the original acts and joint resolutions, now on file in the office of the Secretary of State, save and except such words, letters and figures as are printed in brackets, thus: [ ].

[SEAL.] IN WITNESS WHEREOF, I hereto set my hand and affix  
the Great Seal of State, at the city of Springfield, this  
23d day of June, A. D., 1905.

JAMES A. ROSE,  
Secretary of State.

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